

Section 3-900

CLI - Commercial Light Industry.

- 3-901 Purpose.** The purpose of the CLI district is to accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50/John Mosby Highway Corridor. The CLI district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The CLI district is intended to generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor. The district may allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.
- 3-902 Size and Location.** The CLI district is mapped only along the eastern end of Route 50 as depicted on the Zoning Map. The rezoning of land to CLI in other areas of the County shall not be permitted.
- 3-903 Permitted Uses.** The following uses shall be permitted in the CLI district subject to the requirements and performance criteria of these regulations:
- (A) Adult day care facility, pursuant to Section 3-907(F).
 - (B) Animal hospital.
 - (C) Bakery, commercial.
 - (D) Business service establishment, pursuant to Section 3-907(F).
 - (E) Child care center, pursuant to Section 5-609(B) and Section 3-907(F).
 - (F) Church, synagogue and temple.
 - (G) Conference or training center, pursuant to Section 3-907(F).
 - (H) Dwelling, single family, accessory to permitted or special exception uses.
 - (I) Educational institution, pursuant to Section 3-907(F).
 - (J) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(H).
 - (K) Fire and/or rescue station.

- (L) Flex industrial uses, pursuant to Section 5-608.
- (M) Funeral home or mortuary.
- (N) Health and fitness center, pursuant to Section 3-907(F).
- (O) Hotel/Motel, 75 rooms or greater, pursuant to Section 5-611 and Section 3-907(F).
- (P) Mass transit facilities.
- (Q) Medical care facility, outpatient only, pursuant to Section 3-907(F).
- (R) Nursery, commercial.
- (S) Office, administrative, business and professional, pursuant to Section 3-907(F).
- (T) Park, public.
- (U) Police Station.
- (V) Post office, drop off and pick up.
- (W) Postal service, including overnight mail distribution facility.
- (X) Printing service.
- (Y) Public utility service center, without outdoor storage.
- (Z) Research, experimental, testing or development activities.
- (AA) Sewer pumping station.
- (BB) Telecommunications antenna, pursuant to Section 5-618(A).
- (CC) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (DD) Utility substation, dedicated.
- (EE) Utility substation, distribution, pursuant to Section 5-616.
- (FF) Veterinary service.
- (GG) Warehousing facility.
- (HH) Water pumping station.

(II) Wholesale trade establishment, pursuant to Section 5-663.

(JJ) Facility for lessons in dance, gymnastics, judo and sports training.

~~(H)~~(KK) Kennel, indoor, pursuant to Section 5-606.

~~(JJ)~~(LL) Museum or Exhibition Facility.

3-904

Special Exception Uses. The following uses may be permitted by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300. In addition, the uses listed below shall be developed in accordance with Section 3-907(F) and all other applicable performance criteria.

- (A) Art Gallery.
- (B) Automotive Service Station.
- (C) Bank or Financial Institution, pursuant to Section 5-659.
- (D) Convenience food store with or without gas pumps.
- (E) Convention Facility.
- (F) Car wash.
- (G) Contractor Service Establishment.
- (H) Distribution Facility.
- (I) Heliport or helistop.
- (J) ~~Kennel, indoor, pursuant to Section 5-606.~~
- (K) Motor vehicle rental.
- (L) Motor vehicle sales.
- (M) Motor vehicle service and repair, light.
- (N) ~~Museum or Exhibition Facility.~~
- (O) Personal service establishment.
- (P) Private club or lodge.
- (Q) Public utility service, with outdoor storage.

- (R) Radio, radar and/or television tower.
- (S) Restaurant.
- (T) Retail sales establishment.
- (U) Sewage treatment plant.
- (V) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (W) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (X) Utility substation, transmission, pursuant to Section 5-616.
- (Y) Utility transmission lines, overhead.
- (Z) Water storage tank.
- (AA) Water treatment plant.

3-905

Lot Requirements.

- (A) **Size.** Two (2) acres minimum.
- (B) **Width.** 200 feet minimum.
- (C) **Depth.** 200 feet minimum.
- (D) **Yards.**
 - (1) **Adjacent to Roads.** Except where a greater setback is required by Section 5-900, thirty five (35) feet for building; twenty five (25) feet for parking.
 - (2) **Adjacent to Parcel Boundaries.**
 - (a) **With Other Nonresidential Districts.** 25 feet minimum, buildings; 10 feet minimum, parking lot, loading unloading areas, and areas for the collection or storage of refuse. The Zoning Administrator may waive the parking lot yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.
 - (b) **With Residential Districts.** 25 feet minimum. No building, parking lots, loading/unloading areas, outdoor storage, or areas for the collection or

storage of refuse shall be permitted in any required yard adjacent to a residential zoning district.

3-906 Building Requirements.

- (A) **Lot Coverage.** 45 percent maximum.
- (B) **Building Height.** 45 feet maximum. The maximum building height may be increased provided that one (1) foot is added to each of the required yard setbacks for each additional one (1) foot of building height up to a maximum of (55) feet total height. Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.
- (C) **Base Floor Area Ratio.** 0.30 maximum.
- (D) **Adjusted Base Floor Area Ratio.**
 - (1) The base floor area ratio in the CLI district may be increased on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:
 - (a) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the *Code of Virginia*, 1950 as amended) if:
 - (i) Such properties are not located at an existing median break of such road; and
 - (ii) The owner(s) of such properties permanently relinquish direct access to such road; and
 - (iii) The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses. Such shared access agreements shall remain in effect in perpetuity or until future public

road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement. The shared access agreement shall be depicted on the site plan(s) for the subject parcels and shall include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation Services and VDOT.

- (b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) if the owner(s) of such properties consolidates such properties for development purposes with a contiguous parcel of land which, when combined, total at least 20 acres.
- (c) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 feet along the road.

- (2) The density increase can be granted singly or cumulatively.

3-907

Performance Criteria. The purpose of the following sections is to achieve a design whereby buildings are located, oriented and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the district as a principal gateway into Loudoun County.

- (A) **Transportation Design.** Transportation elements shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features. Left-turn storage and right turn lanes and/or traffic dividers shall be required where existing or

anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. To the maximum extent feasible, land development applications shall identify opportunities and methods for shared access and inter-parcel linkages.

- (B) **Buffering and Screening.** Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas and service areas for loading and unloading and for storage and collection of materials, supplies, and/or refuse and garbage, shall be screened so that such areas are not visible from any public right-of-way and/or residential use. Areas for the collection and storage of refuse and outdoor storage areas shall be fully enclosed by a structure composed of opaque materials. Such materials shall be compatible with those used in the exterior construction of the principal building.
- (C) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .10 times the buildable area of the lot.
- (D) **Off-Street Parking and Loading Facilities.** All off-street parking spaces shall be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve. No off-street parking or loading facilities shall be located in required landscaped yards. Off-street parking areas shall, to the maximum extent feasible, be located to the rear of the buildings.
- (E) **Accessory Uses.** The following accessory uses shall be permitted in the district:
 - ~~(1)~~ ~~Administrative office for permitted and/or special exception uses, not to exceed 20 percent of the floor space of the principal use.~~
 - ~~(2)~~(1) Warehousing, indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals.
 - ~~(3)~~(2) Retail sales and personal service uses for permitted and/or special exception uses, not to exceed ~~10~~ 25 percent of the floor space of the principal use of the building.

~~(4)~~(3) Outdoor storage for permitted and/or special exception uses, not to exceed 25 percent of the gross floor area of the principal use, or 10 percent of the gross lot area, not to exceed 20,000 square feet. No storage of any kind shall be permitted within any required yard.

~~(5)~~(4) Restaurant and restaurant carry-out.

- (F) **Access Limitation for Certain Uses.** For the uses listed in Section 3-903 as being pursuant to this section and all uses listed in Section 3-904, direct access to a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) shall be limited to right-turn-in entrances only as approved by VDOT.
- (G) **Vehicular Access and Circulation.** Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.
- (H) **Pedestrian Access and Circulation.** Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic and to enable safe and convenient pedestrian access to all buildings, parking and other facilities. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments. Land development applications shall delineate the on-site pedestrian system and provide connections to such systems in adjacent developments as well as public networks, if applicable.
- (I) **Utility Requirements.** All new utility distribution lines in the CLI district shall be placed underground.
- (J) The following uses shall not be permitted:
- (1) Alcoholic beverage manufacturing.
 - (2) Ammonia, bleaching powder or chlorine manufacture.
 - (3) Blast furnace.
 - (4) Boiler works.
 - (5) Chemicals and acid manufacture or storage.
 - (6) Distillation of coal, wood or bones.

- (7) Distillation of turpentine or varnish.
- (8) Dye works.
- (9) Emery cloth manufacture.
- (10) Fertilizer manufacture.
- (11) Fireworks.
- (12) Fish canning, curing, grinding or smoking.
- (13) Garbage incineration other than in municipal plants.
- (14) Glue, size or gelatin manufacture.
- (15) Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, animal refuse, rancid fats or refuse of dead animals.
- (16) Iron, steel or copper works, foundries or smelting facilities.
- (17) Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.
- (18) Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.
- (19) Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.
- (20) Pyroxylin or celluloid manufacture.
- (21) Pulverizing of charcoal or coal.
- (22) Soap manufacture.
- (23) Stockyards.
- (24) Tanning, curing or storing of raw hides or skins.
- (25) Tetra-ethyl lead precipitate liquid manufacture.
- (26) Vinegar manufacture.
- (27) Wool pulling and scouring.
- (28) Material recovery facility.

(29) Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.

(K) **Uniform Landscaping for Front Yard Areas Adjacent to a Primary Highway.**

(1) All parcels with frontage on a primary highway (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) shall include landscaping in accordance with the Type 5 Buffer Yard in Section 5-1414(B)(1).

(L) **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, shall be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.

(M) **Building Orientation.** The front façade and principal public entrance of all buildings shall be oriented toward an adjacent public street.

(N) **Screening of Mechanical Equipment.** Mechanical equipment, whether ground level or rooftop, shall be in accordance with Buffer Yard Type 3, screened from view from adjacent properties and public rights-of-way and designed to be perceived as an integral part of the principal building. For the purposes of this section, mechanical equipment shall include, but not be limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet shall be equal to the top of the highest mechanical unit but shall not exceed the maximum height allowed in the district by more than 3 feet.

Section 3-1000

MR-HI Mineral Resource - Heavy Industry.

3-1001

Purpose. This district is established in order to protect the mineral resources, primarily diabase rock, of the County for possible future economic development, to provide for diabase resource extraction operations at appropriate locations and under controlled conditions; to co-locate with quarries compatible heavy industrial uses; to permit continued agricultural practices, and to permit residential and other uses only to the extent that they may be compatible with resource extraction. This district is to be applied as a long term, but interim, district, recognizing that areas devoted to resource extraction may and should be converted, ultimately, to other compatible and beneficial uses consistent with the Comprehensive Plan.

3-1002

Size and Location. Except for those districts mapped to MR-HI concurrently with the adoption of this Ordinance, the minimum district size for this district shall be six hundred (600) acres. Contiguous additions of not less than ten (10) acres shall be allowed when approved pursuant to Section 6-1200. The district is to be established in areas contemplated as appropriate for resource extraction use in the Comprehensive Plan.

3-1003

Permitted Uses. The following uses are permitted in this district:

(A) Mineral Resource Extraction and Processing (MREP) Uses:

- (1) Asphalt mixing plant, accessory to an approved quarry use.
- (2) Concrete mixing plant accessory to an approved quarry use.
- (3) Crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property.
- (4) Excavation, mining, dredging, stripping.
- (5) Manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use.
- (6) Material recovery facility, pursuant to Section 5-607(D).
- (7) Sawmill or wood processing facility, pursuant to Section 5-629.

(B) Other Uses:

- (1) Agriculture, horticulture, forestry, or fishery.

- (2) Nursery, commercial, pursuant to Section 5-605.
- (3) Country club.
- (4) Fruit processing or storage.
- (5) Fairground.
- (6) Storage, for coal, lumber, building material, contractor equipment, and similar material.
- (7) Warehousing facility.
- (8) Wholesale trade establishment, pursuant to Section 5-663.
- (9) Bakery, commercial.
- (10) Business service establishment, pursuant to Section 5-661.
- (11) Contractor service establishment with accessory outdoor storage, pursuant to Section 5-662.
- (12) Distribution facility.
- (13) Dwelling, single-family, accessory to permitted or special exception uses.
- (14) Heavy equipment and special vehicle repair.
- (15) Manufacture, processing, fabrication and/or assembly, distribution of products, such as, but not limited to: Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage.
- (16) Motor vehicle service and repair, heavy, accessory to an approved principal use.

- (17) Outdoor sales area, accessory.
- (18) Park.
- (19) Veterinary service.
- (20) Animal hospital.
- (21) Outdoor storage, vehicles.
- (22) Water pumping station.
- (23) Utility substation, dedicated.
- (24) Retail sales of crushed stone or architectural stone products, accessory to an approved quarry use.
- (25) Sewer pumping station.
- (26) Utility substation, distribution, pursuant to Section 5-616.
- (27) Storage, outdoor accessory.
- (28) Motor vehicle service and repair, with accessory motor vehicle sales.
- (29) Motor vehicle storage and impoundment.
- (30) Telecommunications antenna, pursuant to Section 5-618(A).
- (31) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (32) Telecommunications tower, pursuant to Section 5-618(C)(1).
- (33) Storage of empty solid waste vehicles and containers.
- (34) Kennel, pursuant to Section 5-606.
- (35) Automotive service station.
- (36) Heavy equipment and specialty vehicle sales.
- (37) Printing service, plant.

3-1004

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

(A) Mineral Resource Extraction and Processing (MREP) uses:

~~(1) Asphalt mixing plant.~~

(1) Automobile graveyard or junk yard.

(2) Borrow pit for road construction.

(3) Crushing, treating, washing and/or processing of materials.

~~(4) Manufacturing of concrete block, cinderblock or pre-formed concrete products.~~

(4) Solid waste incinerator, landfill or transfer station.

(5) Stone quarrying, pursuant to Sections 3-1007 and 3-1008.

(6) Storage, bulk gasoline, petroleum products and natural gas, small and large.

(7) Utility generating plant or transmission facility.

(8) Vegetative waste management facility.

(B) Other uses:

(1) Cemetery, mausoleum and memorial park, pursuant to Section 5-637.

(2) Utility transmission lines, overhead.

(3) Fire and/or rescue station.

(4) Sewage treatment plant.

(5) Utility substation, transmission, pursuant to Section 5-616.

(6) Water treatment plant.

(7) Telecommunications monopole, pursuant to Section 5-618(B)(2).

~~(8) Concrete mixing plant.~~

~~(9) Automotive service station.~~

(8) Commuter parking lot.

(9) Dry cleaning plant.

(10) Firearm range, indoor.

(11) Golf course.

~~(14) Heavy equipment and specialty vehicle sales.~~

~~(15) Kennel.~~

(12) Mass transit facilities and stations.

~~(17) Material recovery facility, pursuant to Section 5-607(D).~~

(13) Storage, mini-warehouse.

~~(19) Printing service, plant.~~

(14) Water storage tank.

(15) Crematorium, pursuant to Section 5-637.

(16) Telecommunications tower, pursuant to Section 5-618(C)(2).

(17) Police Station.

3-1005

Lot Requirements.

(A) Mineral Resource Extraction and Processing (MREP) uses:

(1) **Size.** 3 acres minimum, exclusive of major floodplain.

(2) **Width.** 300 feet minimum fronting on Class I roads; 200 feet fronting on Class II roads or private access easements.

(3) **Depth.** 500 feet minimum.

(4) **Length/Width Ratio.** 3.5 times lot width maximum.

(5) **Yards.** No structure or use shall be located within fifty (50) feet of any property line.

(6) **Development Setback and Access From Major Roads.** In designing industrial development, the requirements of Section 5-900 shall be observed.

(B) Other uses:

(1) Size. 1 acre minimum, exclusive of major floodplain.

(2) **Width.** 100 feet minimum fronting on Class I or II roads or private access easements.

(3) **Depth.** No minimum.

(4) **Length/Width Ratio.** 3.5 times lot width maximum.

(5) **Yards.**

(a) **Front Yard.** No structure or use shall be located within 30 feet of the front property line.

(b) **Side Yard.** No structure or use shall be located within 15 feet of the side yard. When an MR-HI lot is developed adjacent to a non-MR-HI lot, the minimum side yard will increase to 50 feet.

(c) **Rear Yard.** No structure or use shall be located within 25 feet of the rear yard. When an MR-HI lot is developed adjacent to a non-MR-HI lot, the minimum rear yard will increase to 50 feet.

(6) **Development Setback and Access From Major Roads.** Pursuant to the requirements of Section 5-900.

3-1006 Building Requirements.

(A) **Lot Coverage.** 50 percent maximum.

(B) **Building Height.** Forty-five (40_45) feet maximum for all buildings except non-habitable structures associated with a quarry operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of two (2) feet for each one (1) foot in height above forty (40) feet. Such structures require special exception approval for heights in excess of 120 feet.

(C) **Floor Area Ratio.** .75 maximum.

3-1007 Use Limitations.

(A) **Prohibited Uses.** No uranium mining or well water fields are permitted in this district.

(B) **Nonresidential Uses.** For adjacent properties, no commercial, industrial or other nonresidential building shall be located within fifty (50) feet from the property line of an existing and/or approved quarry operation.

- (C) **Outdoor Storage.** No storage of any kind shall be permitted within any front yard.
- (D) **Utility Requirements.** All new utility distribution lines in the MR-HI district shall be placed underground.
- (E) **Stone Quarrying Operations Uses.**
- (1) The pit wall of a quarry shall be a minimum of 1000 feet from the MR-HI district boundary, except in the following situations:
 - (a) Where quarries are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town, the minimum distance from the quarry pit wall to the district boundary may be reduced to a minimum of 200 feet as a result of special exception approval, which assures such reduction is compatible with adjacent land uses.
 - (b) Where quarries are adjacent to a public road of four (4) or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Comprehensive Plan to be four (4) or more lanes, the distance may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.
 - (c) Where quarries are adjacent to the GB district, the setback may be reduced to a minimum of 200 feet.
 - (d) Where quarries are adjacent to the PD-GI or CLI district, the setback may be reduced to a minimum of 50 feet.
 - (2) Structures and buildings enclosing processing equipment associated with a quarrying operation, including crushers, conveyors, washers and screeners, shall be located a minimum of 500 feet from the district boundary, except where quarries are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town. In such cases, the distance may be reduced to a minimum of 200 feet as a result of special exception approval which assures abutting lands are adequately buffered from the processing operations.
 - (3) Other structures and buildings related to quarrying operations, including scale houses and storage yards, shall

be located a minimum of 200 feet from the district boundary. Such structures shall also be located a minimum of 100 feet from all public roads within the district. Provided, however, that where such structures are adjacent to the GB, CLI or PD-GI districts, the setback may be reduced to a minimum of 50 feet.

- (4) Buildings devoted solely to office and administrative uses shall be a minimum of 50 feet from the district boundary.

3-1008 Stone Quarrying Special Exception Permit Applications. The establishment of any new stone quarrying operations, or the expansion of any existing stoning quarrying operations beyond previously granted approvals, require Special Exception approval and are subject to issuance of a special exception by the Board of Supervisors in accordance with Section 6-1300. In addition to the requirements of Section 6-403, all applications for stone quarrying uses shall be accompanied by the following items:

- (A) Five (5) copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of 1" = 200'. Such plat shall show:
 - (1) The boundary of the entire tract by metes and bounds.
 - (2) Development limits and topography in contour intervals of five (5) feet or less, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 500 feet of such proposed limits or such greater distance as may be specified by the Zoning Administrator.
 - (3) Means of vehicular and emergency access to the proposed use indicating the proposed type of surface treatment.
- (B) One (1) aerial photograph, at a scale of 1" = 200', and certified as flown not earlier than six (6) months prior to the date on which the application is submitted. The area covered by such photo shall include:
 - (1) All land included in the application and within 2,000 feet of the area covered by the application, and
 - (2) All contiguous land which is now, is planned to be, or has been used by the applicant for such use or a related use.

- (C) A depiction, based on the official zoning records of Loudoun County, of the zoning of all parcels within the same area covered by the aerial photograph required in Section 3-1008(B)(2).
- (D) A conceptual description of the proposed operation describing the anticipated location, process, equipment and scale of the proposed operation including all special exception and accessory uses.
- (E) A transparent overlay, at the same scale and covering the same area as the aerial photograph required in Section 3-1008(B)(2) depicting the location, limits and approximate square footage of the following items:
 - (1) Area of any known previous, currently active and proposed excavation.
 - (2) Area of active and proposed settling ponds and washing facilities.
 - (3) Areas of existing and proposed crushing or treatment facilities.
 - (4) Areas of existing and proposed storage of extracted material.
 - (5) Areas of existing and proposed production facilities or resource related uses.
 - (6) Location and type of any existing and proposed erosion control, stormwater management and BMP facilities.
 - (7) Location and type of structures, fencing and security measures or other appropriate safeguards to prevent access by unauthorized persons.
 - (8) Location and type of buffering of adjacent land uses to be provided pursuant to Section 5-1400 of this Ordinance.
- (F) A plan for operation demonstrating the feasibility of the operation proposed without hazards or damage to other properties by reason of increased flooding or undesirable rise or reduction in ground water levels, erosion caused by increased rate of flow or redirection of flow in flood channels, deposits of debris from flood or erosion, excessive slopes remaining at cuts or fills, or undermining or creation of settlement in adjoining areas.
- (G) A plan for restoration of the site, prepared by an engineer or surveyor licensed by the State. The plan for restoration shall

demonstrate conceptually the method by which the property, in its entirety, will be returned to a state suitable for re-use for purposes permissible in the district. Among items to be included in such plans are vehicular circulation patterns in and around the site, the treatment of exposed soils or subsoil in order to make the property suitable for the proposed re-use, treatment of slopes to prevent erosion and delineation of floodways and floodplains (if any) to be maintained in open usage. In such plans for re-use, where conditions are suitable, permanent lakes, water impoundment or recreational facilities may be permitted. The format and level of detail required by the Virginia Department of Mines and Minerals for a restoration plan shall be acceptable as an initial submission. The County shall have the right to request such additional information as it deems necessary.

- (H) A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting and bringing law enforcement to the property during the term of any permit which may be issued.
- (I) A hydrogeological report and a Type II detailed geotechnical report including an assessment of the depth of overburden and the effects of the proposed resource extraction on the water table and local wells.
- (J) As a condition of approval, the applicant may be required to post with the County a bond in an amount to be set by the Board of Supervisors. If required, such bond shall be with surety satisfactory to the Board of Supervisors. The bond shall be conditioned upon restoration in accordance with the approved restoration plan within 360 days following the expiration of the special exception. The bond shall be accompanied by an instrument in writing granting, to the County or its officers, agents and employees, a right to enter the property which is the subject of the special exception for the purpose to inspect of any restoration if required.
- (K) An environmental report describing existing environmental conditions, assessing the environmental impacts of the proposed use on the site and properties within two thousand (2000) feet of the proposed uses, and depicting proposed mitigation measures.

Section 4-300

PD-OP Planned Development - Office Park.

4-301

Purpose. A Planned Development - Office Park district is established primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height, and careful attention to such aesthetic considerations as location and size of signs, lighting, parking and service areas and the like.

4-302

Size and Location. When mapped, the district shall be no less than five (5) acres and shall be located:

- (A) On arterial or collector roads.
- (B) In areas served by public water and sewer facilities.
- (C) In areas compatible with other commercial development.
- (D) As envisioned in the Comprehensive Plan.

Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-OP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-303

Permitted Uses. The following uses shall be permitted in any PD-OP district, subject to the requirements and limitations of these regulations:

- (A) Office, administrative, business and professional.
- (B) Bank or financial institution, pursuant to Section 5-659.
- (C) Commuter parking lot.
- (D) Health and fitness center.
- (E) Office, medical and dental.

~~(F) The following accessory uses shall be permitted provided they are located in the same building as the permitted principal uses primarily served, and provided they occupy in the aggregate not more than twenty percent (20%) of the floor area of such building:~~

~~(1) Central reproduction and mailing services, and the like.~~

~~(2) Quick print shop.~~

~~(3) Restaurant, including carry out, but excluding drive-through.~~

~~(4) Establishments for sale of office supplies and service of office equipment.~~

~~(5) News stand.~~

~~(6) Pharmacies pursuant to Section 5-659, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances shall be permitted in buildings containing optical establishments or clinics.~~

~~(7) Personal service establishment.~~

~~(G)~~(F) Post office.

~~(H)~~(G) Adult day care center.

~~(I)~~(H) Educational institution.

~~(J)~~(I) Recycling drop-off collection center, small, pursuant to Section 5-607.

~~(K)~~(J) Printing service.

~~(L)~~(K) Agriculture, horticulture, forestry, and fishery.

~~(M)~~(L) Business service establishment, pursuant to Section 5-661.

~~(N)~~(M) Conference or training center.

~~(O)~~(N) Library.

~~(P)~~(O) Park.

~~(Q)~~(P) Public utility service center, without outdoor storage.

~~(R)~~(Q) Radio and television recording studio.

~~(S)~~(R) Research, experimental, testing or development activities.

~~(T)~~(S) Utility substation, dedicated.

~~(U)~~(T) Water pumping station.

~~(V)~~(U) Sewer pumping station.

~~(W)~~(V) Utility substation, distribution, pursuant to Section 5-616.

~~(X)~~(W) Church, synagogue and temple.

~~(Y)~~(X) Child care center, pursuant to Section 5-609(B).

~~(Z)~~(Y) Telecommunications antenna, pursuant to Section 5-618(A).

~~(AA)~~(Z) Telecommunications monopole, pursuant to Section 5-618(B)(1).

~~(BB)~~(AA) Training Facility.

(BB) Facility for lessons in dance, gymnastics, judo, and sports training.

(CC) Medical care facility, outpatient only.

(DD) Uses auxiliary to permitted principal uses on a stand-alone basis such as, but not limited to, restaurants including carry-out, and drive-through facilities, personal service establishments, banks and financial institutions, convenience food stores, and automobile service stations, not to exceed a total of ten percent (10%) of the total allowable floor area of the office park shown on a concept development plan.

4-304

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to conditions pursuant to the provisions of Section 6-1300.

(A) Heliport, helistop.

(B) Hospital, pursuant to Section 5-610.

(C) Hotel/Motel, pursuant to Section 5-611.

(D) Radio, radar and/or television tower.

~~(E) Medical care facility, outpatient only.~~

~~(F) Uses auxiliary to permitted principal uses on a stand-alone basis such as, but not limited to, restaurants including carry-out, and drive-through facilities, personal service establishments, banks and financial institutions, and automobile service stations.~~

~~(G)(E)~~ Utility substation, transmission, pursuant to Section 5-616.

~~(H)(F)~~ Utility transmission lines, overhead.

~~(I)(G)~~ Telecommunications monopole, pursuant to Section 5-618(B)(2).

~~(J)(H)~~ Fire and/or rescue station.

~~(K)(I)~~ Golf course.

~~(L)(J)~~ Mass transit facilities and stations.

~~(M)(K)~~ Personal service establishment.

~~(N)(L)~~ Restaurant.

~~(O)(M)~~ Sewage treatment plant.

~~(P)(N)~~ Water treatment plant.

~~(Q)(O)~~ Water storage tank.

~~(R) Facility for lessons in dance, gymnastics, judo, and sports training.~~

~~(S) School, private, accessory to a church.~~

~~(T) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.~~

~~(U)(P)~~ Telecommunications tower, pursuant to Section 5-618(C)(2).

~~(V)(Q)~~ Police station.

~~(W)(R)~~ School, public and private.

(S) Automobile service station.

(T) Car wash.

(U) Convenience food store, pursuant to Section 5-617.

4-305

Lot Requirements.

(A) **Size.** One (1) acre minimum, exclusive of major floodplain.

(B) **Yards.**

- (1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty-five (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.
- (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy-five (~~75~~~~100~~) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than thirty-five ~~fifty~~ (~~35~~~~50~~) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas. When a PD-OP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-OP, the setback required in (B)(3) below shall apply.
- (3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.
- (4) **Yards Between Buildings.**
 - (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances may be within such yards. Covered walkways

connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least (25) feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-306 Building Requirements.

- (A) **Lot Coverage.** ~~.60-40~~ maximum ~~for the district.~~
- (B) **Building Height.** ~~Sixty (60)~~~~Forty-five (45)~~ feet provided that a building may be erected to a maximum height of (100) feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the ~~sixtyfourty-five (6045)~~ foot limit.
- (C) **Floor Area Ratio.** .60 maximum; up to 2.0 maximum by Special Exception.

4-307 Use Limitations.

- (A) **Accessory Uses.** ~~Accessory uses exclusive of parking shall not occupy more than five percent (5%) of the land area of the individual lot.~~The following accessory uses shall be permitted provided they are located in the same building as the permitted principal uses primarily served, and provided they occupy in the aggregate not more than twenty-five percent (25%~~20%~~) of the floor area of such building:
 - (1) Central reproduction and mailing services, and the like.
 - (2) Quick print shop.
 - (3) Restaurant, including carry-out, but excluding drive-through.
 - (4) Establishments for sale of office supplies and service of office equipment.

~~(5) News stand.~~

~~(4) Pharmacies pursuant to Section 5-659, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances shall be permitted in buildings containing optical establishments or clinics.~~

~~(5) Personal service establishment.~~

~~(6) Convenience food store.~~

~~(7) Retail sales establishment.~~

(B) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuter parking may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. ~~Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.~~

(C) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such open space shall be landscaped and maintained in accord with Section 5-1400.

(D) **Utility Requirements.** All new utility distribution lines located on PD-OP zoned land shall be placed underground.

(E) **Site Planning.** Within any PD-OP district, landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses.

(F) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance.

(1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

Section 4-500

PD-IP Planned Development - Industrial Park.

4-501

Purpose. The district is established for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.

4-502

Size and Location. PD-IP districts shall be located in areas served by one or more major arterial or collector roads, by public water and sewer, and consistent with locations identified in the Comprehensive Plan for industrial use. When mapped, the district shall be no less than twenty (20) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-IP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-503

Permitted Uses. The following uses shall be permitted in any PD-IP district, subject to the requirements and limitations of these regulations.

- (A) Adult day care center.
- (B) Agriculture, horticulture, forestry, or fishery.
- (C) Commuter parking lot.
- (D) Distribution facility.
- (E) Facility for ~~scheduled~~ lessons ~~in such as:~~ dance, gymnastics, judo and sports training.
- (F) Flex industrial use, pursuant to Section 5-608.
- (G) Office, administrative, business and professional, (i.e. office uses) provided:
 - (1) Office uses are an integral design element of a site plan for an industrial site or park containing not less than 40,000 square feet of gross floor area; and
 - (2) Office uses shall be located no further than 100 feet from the setback, as established by Section 5-900, of an arterial or major collector road; and
 - (3) Office uses shall be the prominent features when viewed from adjacent roadways; and

~~(4) Other permitted uses may be co-located with office uses, provided such uses do not have frontage or direct access to an arterial or major collector road and will not exceed forty (40) percent of the gross floor area of the total land area of the industrial site or park; and~~

~~(5)~~(4) Parking may be located in the side and rear yards and in no case shall parking be located between the building and the arterial or major collector road. On a corner or through lot, there shall be only one front yard as established by Section 1-205(C); and

~~(6)~~(5) Buildings which contain office uses shall be a minimum of twenty-six (26) feet in height~~contain two stories or more.~~

(H) Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.

(I) Post office.

(J) Radio and television recording studio.

(K) Recycling drop off collection center, small, pursuant to Section 5-607.

(L) Research, experimental testing, or development activities.

(M) Wholesale trade establishment, pursuant to Section 5-663.

(N) Uses auxiliary ~~which are supportive and complementary~~ to (which serve the users of) existing permitted ~~and~~ principal uses within a specific industrial park, such as, but not limited to restaurants including~~excluding~~ drive-throughs facilities, business service establishments, personal service establishments, convenience food stores, health and fitness centers, and automobile service stations, not to exceed a total of ten~~five~~ percent (10~~5~~%) of the total allowable floor area of the industrial park shown on a concept development plan.

- (O) Bakery, commercial.
- (P) Bank or financial institution, pursuant to Section 5-659.
- (Q) Dwelling, accessory to a permitted or special exception use.
- (R) Printing service.
- (S) Warehousing facility, pursuant to Section 4-507(E).
- (T) Auction house.
- (U) Business service establishment, pursuant to Section 5-661.
- (V) Health and fitness center.
- (W) Park.
- (X) Postal service, including overnight courier collection and overnight mail distribution facility.
- (Y) Restaurant, carry-out only.
- (Z) Water pumping station.
- (AA) Utility substation, dedicated.
- (BB) Conference or training center.
- (CC) Sewer pumping station.
- (DD) Utility substation, distribution, pursuant to Section 5-616.
- (EE) Church, synagogue, temple or mosque.
- (FF) Motor vehicle service and repair, light.
- (GG) Telecommunications antenna, pursuant to Section 5-618(A).
- (HH) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (II) Funeral home, pursuant to Section 5-658.
- (JJ) Training Facility.
- (KK) Interactive Science & Technology Center.

(LL) Outdoor ~~S~~storage, ~~A~~accessory, up to 10% of ~~lot area~~~~gross floor area~~ ~~of principal use~~.

(MM) Contractor service establishment, ~~with~~ ~~excluding retail sales and~~ outdoor storage ~~up to 20% of lot area, pursuant to Section 5-662~~.

(NN) Recreation establishment, outdoor or indoor, provided:

(1) Parking areas for recreation establishments shall be designed to enhance the safety of children as they arrive at and leave the facility; and

(2) Recreation establishments shall include a designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children and shall be located in proximity to the recreation establishment in such a way that provides safe and clearly designated access to enter or exit the facility.

~~(OO) Animal hospital.~~

~~(PP) Civic, social, fraternal association meeting place.~~

~~(QQ) Educational institution.~~

~~(RR) Medical care facility, outpatient only.~~

4-504

Special Exception Uses. The following uses may be approved by the Board of Supervisors pursuant to the provisions of Section 6-1300.

(A) Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G).

~~(B) Civic, social, fraternal association meeting place.~~

~~(C) Educational institution.~~

~~(D)~~(B) Golf driving range.

~~(E)~~(C) Heliport, helistop.

~~(F)~~(D) Hospital, pursuant to Section 5-610.

~~(G)~~(E) Hotel/Motel, pursuant to Section 5-611.

~~(H)~~(F) Public utility service center with or without storage yard.

~~(I)~~(G) Sewage treatment plant.

~~(J)~~ Uses which are supportive and complementary to ~~(which serve the users of)~~ existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants, excluding drive-throughs, business service establishments, personal service establishments, health and fitness centers and automobile service stations; but not to include such uses as car repair except in conjunction with an automobile service station; in excess of five ~~(5%)~~ percent but not to exceed a total of 25% of the total allowable floor area of the industrial park shown on a concept development plan.

~~(K)~~(H) Utility substation, pursuant to Section 5-616.

~~(L)~~(I) Utility transmission lines, overhead.

~~(M)~~(J) Water treatment plant.

~~(N)~~(K) Telecommunications monopole, pursuant to Section 5-618(B)(2).

~~(O)~~ ~~Medical care facility, outpatient only.~~

~~(P)~~(L) Motor vehicle service and repair, heavy.

~~(Q)~~(M) Printing service plant.

~~(R)~~(N) Child care center, pursuant to Section 5-609(B).

~~(S)~~(O) Fire and/or rescue station.

~~(T)~~(P) Dry cleaning plant.

~~(U)~~(Q) Automotive service station.

~~(V)~~(R) Car wash.

~~(W)~~(S) Golf course.

~~(X)~~(T) Motor vehicle rental, with outdoor vehicle storage only.

~~(Y)~~(U) Personal service establishment.

~~(Z)~~(V) Recreation establishment, outdoor or indoor, which do not meet the criteria contained in Section 4-503(NN).

~~(AA)~~(W) Recycling drop-off collection center, large, pursuant to Section 5-607.

~~(BB)~~(X) Mass transit facilities and stations.

~~(CC)~~(Y) _____ Water storage tank.

~~(DD)~~(Z) _____ Firearm range, archery range, indoor.

~~(EE)~~ _____ Gas pumps accessory to a convenience food store, pursuant to Section 5-617.

~~(FF)~~(AA) _____ Outdoor S~~t~~orage, outdoor accessory, in excess of 10% of lot area~~gross floor area of principal use~~.

~~(GG)~~(BB) _____ Parking Lot/Valet Service, Long-Term.

~~(HH)~~ _____ Car wash, accessory to a convenience food store, pursuant to Section 5-617.

(CC) _____ School, public~~and private~~.

~~(H)~~(DD) _____ School, private, pursuant to Section 5-623.

~~(JJ)~~(EE) _____ Telecommunications tower, pursuant to Section 5-618(C)(2).

~~(KK)~~(FF) _____ Police station.

~~(LL)~~(GG) _____ Motorcycle or ATV sales, rental, repair and associated service.

~~(MM)~~ ~~Animal hospital~~

~~(NN)~~(HH) _____ Camp, day.

(II) _____ Contractor service establishment, with outdoor storage in excess of 20% of lot area, pursuant to Section 5-662.

(JJ) _____ Convenience food store, pursuant to Section 5-617.

(KK) _____ Restaurant.

4-505

Lot Requirements.

(A) **Size.** One (1) acre minimum, exclusive of major floodplain.

(B) **Yards.**

- (1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty~~--~~five (35) feet to the right-of-way from any road and no parking shall be permitted closer than

twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

- (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy-five (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than ~~thirty-fivesixty~~ (3560) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. When a PD-IP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-IP, the setback required in (B)(3) below shall apply.
- (3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.
- (4) **Yards Between Buildings.**
- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances may be within such yards. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but

if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-506 Building Requirements.

- (A) **Lot Coverage.** .45 maximum.
- (B) **Building Height.** Forty-five (45) feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the 45-foot limit.
- (C) **Floor Area Ratio.** .40 maximum; up to .60 by Special Exception.

4-507 Use Limitations.

- (A) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided in Section 5-1100. ~~Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.~~
- (B) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.
- (C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading area, and parking from streets and agricultural and residential uses.
- (D) **Outdoor Storage, Accessory.**
 - (1) No storage of any kind shall be permitted within any front yard, except for underground bulk storage of gasoline or petroleum products.

- (2) Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or lease vehicles within enclosed areas defined in (3) below.
- (3) Outdoor storage of new and reusable materials, equipment, and vehicles shall be permitted within enclosed areas which are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator. Such areas must be buffered and screened on the periphery of the storage area.
- (4) Waste materials must be stored in a closed container. The burning of waste materials is prohibited.

(E) **Retails Sales as an accessory use.** Warehousing facilities may have retail sales as an accessory use in accordance with the following:

- (1) Such warehousing facility stores goods for at least one retail establishment located in a zoning district where retail is a permitted principal use.
- (2) At least ~~seventy-five~~ eighty ~~(75%)~~ percent of the gross floor area of the facility is devoted to warehousing facility use that is not a display area or retail sales area and is not accessible to the public.
- (3) Such use shall be designed so that pedestrian and vehicular circulation are coordinated with that on-site and on adjacent properties and vehicular access to the site shall be provided via the internal circulation system of the industrial park.
- (4) Such use shall be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles and pedestrian traffic.
- (5) Any improvements, such as but not limited to additional parking spaces, travel aisles, additional landscaping, and additional floor area required as the result of the introduction of retail uses to an area designed and developed for industrial uses shall be provided.

- (6) All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be in completely enclosed facilities.
 - (7) Notwithstanding the requirements of Section 5-1102 Parking, the retail use shall require one (1) parking space per 500 gross square feet.
 - (8) No additional signs are permitted for the retail use; signage for the warehousing facility shall be as provided for in Section 5-1204(D).
 - (9) Submission and approval of a site plan or amended site plan, as appropriate, prior to the establishment of retail sales is required to demonstrate compliance with the aforementioned Use Limitations.
- (F) **Vehicular Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through traffic. Principal vehicular access routes for public schools shall be designed to avoid through traffic by vehicles serving adjacent industrial properties.
- (G) **Development Setback and Access from Major Roads.** In designing an industrial park development, the following requirements shall be observed:
- (1) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance. Notwithstanding the foregoing, schools shall be permitted emergency access to an arterial or major collector road.
 - (2) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.
 - (3) Public school buildings shall have a minimum setback of 100 feet from adjacent industrially zoned property.
- (H) **Utility Requirements.** All new utility distribution lines located on PD-IP zoned land shall be placed underground.

- (I) **Pedestrian Access for Public Schools.** Public school sites shall provide bicycle and pedestrian accommodations to adjacent residential communities.
- (J) **On-Site Parking of Business Vehicles.** Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

Section 5-600

Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

5-601

Bed and Breakfast and Rural Guest Establishments. These establishments may be located in accord with the lists of permitted and special exception uses for the individual zoning districts subject to the following criteria:

(A) **Bed and Breakfast.**

- (1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by guests. The owner or manager may live on the premise.
- (2) The establishment shall not contain restaurant facilities but may provide food service for overnight or other transient guests ~~only~~ attending meetings or private parties.
- (3) Weddings, receptions, private parties, meetings and similar activities may be held at the Bed and Breakfast with the maximum number of attendees based on the maximum sleeping capacity of the facility. The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall lapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department. Additional gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

- (4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.
- (5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(6) **Intensity/Character.**

- (a) The minimum lot area shall be as follows:

Use	Lot Area (Minimum)	No. of Guest Rooms
Level I- small scale	5 acres	3-7 rooms
Level II- medium scale	10 acres	8-10 rooms

- (b) **Size of Use.** The floor area ratio shall not exceed 0.04.

(c) **Landscaping/Buffering/Screening.**

- (i) The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (ii) Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(d) **Parking.**

- (i) **General.** Parking and loading for a bed and breakfast inn shall be provided as required by Section 5-1102.
- (ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

- (e) **Exterior Lighting.** Exterior lighting for a bed and breakfast inn shall be for security purposes only, subject to Section 5-652(1)-(3).
 - (f) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). In addition, no outdoor music between 11 pm and 10 am on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 pm and 10 am on Sunday through Thursday.
- (7) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed & Breakfast and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(B) **Country Inn.**

- (1) The owner or manager shall provide full-time management of the premises at all times when the establishment is occupied by guests.
- (2) In addition to guest rooms, the establishment may, by Minor Special Exception, contain a full-service restaurant that may provide meal service to guests and the general public. Weddings, receptions, private parties, meetings and similar activities may be held at the Country Inn with the maximum number of attendees based on the maximum sleeping capacity of the facility. The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall lapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department. Additional gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

Section 5-600

Revision Date: **October 3, 2012**

Text highlighted in **yellow** indicates a move from Article 8 to 5-600 or elsewhere in the Ordinance

- (3) A maximum of 10% of the gross floor area of the Country inn may be comprised of accessory day treatment, spa facilities.
- (4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.
- (5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.
- (6) A Country Inn shall have at least four rooms for transient overnight occupancy and provide at least one of the following elements:
 - (a) More than 10 rooms not to exceed 40 rooms for transient overnight occupancy, such facility may include Banquet/Event facilities with a Minor Special Exception in accordance with Section 5-642;
 - (b) Full service restaurant facilities may provide meals to guests and the general public. In addition, Banquet/Event facilities may be provided in accordance with Section 5-642 with a Minor Special Exception.
- (7) **Intensity/Character.**
 - (a) **Minimum Lot Area.** The minimum lot area shall be 25 acres.
 - (b) **Size of Use.**
 - (i) The floor area ratio shall not exceed 0.04.
 - (ii) The restaurant and indoor Banquet/Event facilities on premises shall not exceed 49 percent of the total floor area of the country inn.
 - (c) **Yard Standards.** The minimum required yard setback shall be 250 feet minimum from all lot lines

or 100 feet from a lot line of a property having a commercial use.

(d) **Landscaping/Buffering/Screening.**

- (i) The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).
- (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Roads/Access.**

- (i) The country inn shall comply with the road access standards in Section 5-654.
- (ii) There shall be no more than two points of access for guests of the country inn.

(f) **Parking.**

- (i) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.

(g) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). No outdoor music between 11 pm and 10 am on Friday, Saturday and any evening preceding a holiday recognized by Loudoun County, and between 10 pm and 10 am on Sunday through Thursday.

- (8) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and

shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

(C) **Rural Retreats and Resorts.** Rural retreats and rural resorts shall comply with the following standards.

- (1) **Parcel Size.** The minimum lot area of rural resorts and retreats shall comply with Section 5-601(D)(8)(a), except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.
- (2) **Separation Requirement.** When not located within a Planned Development-Rural Village (PD-RV) district, rural retreats shall be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural retreats shall be located at least one (1) mile from the boundaries of an existing Village Conservation Overlay District or an existing PD-CV or PD-RV zoned parcel.
- (3) **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.
- (4) **Access.** All rural retreats and resorts shall comply with the road access standards in Section 5-654.
- (5) **Water and Sewer.** The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment shall be served by a communal water system and a communal wastewater collection and treatment system. Communal water and sewer systems may be located within the open space.
- (6) **Open Space.** A minimum of 75% of the site shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.

- (7) **May be Open to Public.** These establishments may be open to the general public for patronage. A Rural Retreat or Rural Resort shall be entitled to treatment as an Event Facility pursuant to Section 5-642 by Minor Special Exception.
- (8) **Additional Standards for AR and TR Districts.** In the AR and TR districts, rural retreats and resorts shall comply with the following additional requirements in addition to the general standards identified above. Where there is a conflict between these standards and the general standards controlling the development of rural resorts and retreats, these standards shall control.
- (a) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Size of Lot (Minimum)	Nos. of Guest Rooms
Level I – Rural Retreat small scale	40 acres	Up to 20 rooms
Level II – Rural Retreat medium scale	60 acres	21-40 rooms
Level III –Rural Retreat large scale	80 acres	41-60 rooms
Level I – Rural Resort small scale	100 acres	61-80 rooms
Level II – Rural Resort medium scale	120 acres	81-100 rooms
Level III –Rural resort large scale	150 acres	101-120 rooms
More than 120 rooms requires special exception approval pursuant to Section 6-1300		

- (b) **Size of Use.**
- (i) The restaurant and banquet facilities, and conference and training facilities shall be less than fifty (50) percent of the total floor area of the rural retreat or resort.
- (ii) Outdoor storage related to the rural retreat or resort facilities shall be permitted.
- (iii) The floor area ratio shall not exceed 0.04.
- (c) **Yard Standards.** The minimum required yards shall be as follows:

- (i) Level I-Rural Retreat: 125 feet minimum from all lot lines.
- (ii) Level II-Rural Retreat: 200 feet minimum from all lot lines.
- (iii) Level III-Rural Retreat: 250 feet minimum from all lot lines.
- (iv) Level I-Rural Resort: 300 feet minimum from all lot lines.
- (v) Level II-Rural Resort: 350 feet minimum from all lot lines.
- (vi) Level III-Rural Resort: 375 feet minimum from all lot lines.

(d) **Landscaping/Buffering/Screening.**

- (i) The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).
- (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Roads/Access.**

- (i) The rural retreat or resort shall comply with the road access standards in Section 5-654.
- (ii) There shall be no more than two points of access to a rural retreat or resort. This requirement shall not preclude an additional access for emergency vehicles only.

(f) **Parking.**

- (i) **General.** Parking and loading shall be provided as required by Section 5-1102.

- (ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (g) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

5-602 Tenant Dwellings. Tenant dwellings may be located in the A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

- (A) **Tenant Dwellings.** One (1) tenant dwelling shall be permitted by right subject to the following criteria:
 - (1) The tenant dwelling shall be located on a parcel with an area of ten (10) acres or more.
 - (2) One additional tenant dwelling shall be permitted for each twenty-five (25) acres of a parcel in excess of the minimum area of ten (10) acres.
 - (3) **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section 5-602(A)(1) and (2) above, additional tenant dwellings for seasonal labor may be permitted by special exception.
- (B) **General Standards.** Tenant dwellings shall meet the following additional criteria:
 - (1) **Screening.** Portable dwellings shall be screened from view from public roads and neighboring properties.
 - (2) **On Internal Roads/No Direct Access to Public Roads.** Structures for multi-family dwelling units shall be accessed by internal roads, shall not have direct access to public roads, and shall be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multi-family dwellings.

- (3) **Separate Dwelling.** For the purposes of 5-602(A)(1) and (2) above, each unit of a multiple dwelling structure shall constitute a separate tenant dwelling.
- (4) **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to the provisions of Section 5-400.
- (5) **Size of Tenant Dwelling.** No tenant dwelling unit shall exceed 2,500 square feet in floor area.
- (6) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary, cooking, and bathing facilities, consistent with the requirements of the Uniform Statewide Building Code.
- (C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (D) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (E) **Landscaping/Buffering/Screening.**
 - (1) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

5-603

Farm Markets. Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) Except as provided in subsection F below, a minimum of 25% of the products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market. An annual report verifying this percentage shall be submitted to the Zoning Administrator upon request. A Farm Market shall be located on

Section 5-600

Revision Date: October 3, 2012

Text highlighted in yellow indicates a move from Article 8 to 5-600 or elsewhere in the Ordinance

the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.

- (B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.
- (E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.
- (F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:
 - (1) A minimum of twenty five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.
 - (2) Parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.
 - (3) Landscaping/Buffering/Screening.
 - (a) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (b) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).

- (c) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

5-604 Wayside Stands. Wayside stands are subject to the following provisions:

- (A) Wayside stands are for retail sales provided the principal sales items sold are farm and garden products produced principally on-site. The term “on-site” shall be defined as all locations (separate parcels) used by the owner or tenant for farming (agriculture, horticulture or animal husbandry).
- (B) Permanent retail sales areas within structures shall not exceed, in the aggregate, ten thousand (10,000) square feet in floor area or a Floor Area Ratio of 0.02, whichever is greater.
- (C) Wayside stands may be located in farm structures existing prior to January 7, 2003. The sales area in an existing farm structure shall have no limitation and may be used as a sales area subsequent to compliance with the Uniform Statewide Building Code.
- (D) Sales areas for accessory products shall be limited to 25% of the gross sales area.
- (E) Accessory products include those products related to the care and culture of products produced on the farm, such as pottery, baskets, and garden accessories.
- (F) Entrances and exits to the wayside stand from public roadways shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted vehicular access to and from the premises.
- (G) The sale of seasonal produce harvested on the farm may occur throughout the area of actual production.
- (H) Signs for wayside stands shall be erected in compliance with Section 5-1200.

5-605 Commercial Nurseries. The following minimum requirements shall apply to all retail sales associated with production nurseries and commercial nurseries:

- (A) In calculating the percentage of plants grown on-site, plants must be cultivated at the subject nursery facility for at least one (1) full season of new growth for that plant.

- (B) Plant production may be certified by the County Extension Agent, if requested by the Zoning Administrator.
- (C) Plants brought to the subject nursery for immediate resale are included in calculations for non-site produced plants and accessory products.
- (D) Accessory products include those related to the culture and care of plant sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products shall be permitted subject to screening requirements for outdoor storage in Section 5-1414(A). Propane, firewood lawn and garden tractors, or machine or other equipment sales are not accessory products.

(E) The sales area for accessory products shall be limited to twenty five percent (25%) of the gross sales area.

(F) Twenty five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on site.

5-606

Kennels/Indoor Kennels. Nothing herein shall relieve a kennel from complying with the provisions of Section 808 of the Codified Ordinances of Loudoun County. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(A) Kennels.

- (1) **General.** Kennel shall mean any place in or at which, for a fee, six or more dogs, cats, or other household pets over the age of six months are trained, boarded, including day care services, or handled:
- (2) **Not Applicable to Animal Hospital/Grooming Use.** This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

(B) Indoor Kennel.

- (1) **General.** Indoor kennel shall mean any place that is within a completely enclosed commercial facility with no outdoor activity in which dogs, cats or other household pets are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner

engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other household pets.

- (2) **No Opening to Outside.** Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment, shall have an animal waste handling plan, and shall conform to any other requirements that the Planning Commission and/or Board of Supervisors may impose pursuant to special exception review (Section 6-1300).
 - (3) **Accessory Uses.** Indoor Kennels may include accessory uses to an indoor kennel: up to 10% of gross floor area for retail sales, up to 10% of gross floor area for veterinary service, up to 10% of gross floor area for animal hospital, and up to 10% of gross floor area for grooming; provided, however, that accessory uses may not exceed 25% of the total gross floor area.
- (C) **Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR and JLMA districts shall comply with the following standards.
- (1) **Location on Site/Dimensional Standards.** An outdoor kennel shall be set back 100 feet from a lot line.
 - (2) **Roads/Access.**
 - (a) All kennels shall comply with the road access standards of Section 5-654.
 - (b) There shall be no more than one point of access from a kennel to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
 - (3) **Landscaping/Buffering/Screening.**
 - (a) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (b) Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (4) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

- (A) No such accessory apartment or dwelling unit shall exceed the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet in gross floor area.
- (B) Accessory apartments and dwelling units shall be permitted only on lots exceeding 20,000 square feet in area. Such lot size restrictions shall not apply in Rural Villages, Rural Hamlets and Countryside Villages. Further, in R-4 and R-8 zoning districts, accessory apartments and dwelling units shall be permitted on cluster or traditional design option lots, on lots less than 10,000 square feet in area.
- (C) In districts other than A-10, AR-1, AR-2, A-3, PD-RV and PD-CV, accessory apartments and dwelling units shall be located only on lots served by public sewer.
- (D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot. One additional accessory apartment or dwelling unit is permitted on a parcel with an area of 20 acres or more.
- (E) Accessory units may be located within an accessory building, agricultural structure, or in the principal structure.
- (F) All of the use limitations of Section 5-102 shall be met.
- (G) In the AR-1 and AR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 20 acres. Additional dwellings may be permitted by special exception for seasonal labor.

5-614

Small Businesses.

(A) Purpose and Intent.

- (1) **General.** The purpose of this section is to allow residents in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA, PD-RV and PD-CV districts to locate and operate small-scale service and contracting businesses or lease such businesses, which preserve the rural and historic character of the districts and agriculture as an industry. It is the general intent of this Ordinance that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts in order to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small

Section 5-600

Revision Date: October 3, 2012

Text highlighted in yellow indicates a move from Article 8 to 5-600 or elsewhere in the Ordinance

businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.

- (2) **Allow Local, Small-Scale Businesses to Locate and Operate.** The intent of this Section is to allow local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.
 - (3) **Uses Temporary for Starting New Business.** The uses approved under the provisions of this section shall be considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this Ordinance.
 - (4) **Adaptive Re-use of Farm Structures.** In addition to home occupations and small businesses, the adaptive re-use of farm structures for the intended use of home occupations and small businesses is allowed with respect to the use of small businesses.
- (B) **Definitions.** For the purposes of Section 5-614, Small Businesses in the AR, A-3, A-10, TR, CR, JLMA and PD-CV districts, terms used are defined under "Small Business" in Article 8 of this ordinance.
- (C) **Permitted Small Business Uses.**
- (1) Small business uses, as listed in subsection D, which meet all of the conditions in Section 5-614(E) shall be allowed on lots of ten (10) acres or greater, subject to approval of a zoning permit/sketch plan, as defined in Section 5-614(H).

(D) **Small Business Uses Permissible by Special Exception.** Small businesses not meeting the criteria of Section 5-614(C) may be allowed by special exception, granted by the Board of Supervisors upon recommendation of the Planning Commission. Special exception applications made pursuant to this Section are subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions that follow. The following uses may be approved as “small businesses” in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA and PD-CV zoning districts:

- (1) Business service occupations.
- (2) Personal service occupations.
- (3) Repair service occupations.
- (4) Contractors and contracting.
- (5) Professional office-based services.
- (6) Studios for fine arts and crafts.
- (7) Antique sales and the sale of any goods or items produced on the premises.
- (8) Except as provided above, no retail or wholesale commercial businesses are permitted.

(E) **Small Business Site Development Criteria.**

(1) **Standards and Restrictions for Small Business Uses.**

	Acreage	No. of Employees	Heavy Equip. (On-Site)	Business Vehicles (On-Site)
(a)	0-3	1 maximum	none	2 maximum
(b)	3 but <10	3 maximum	none	2 maximum
(c)	10 but <50	4 maximum	2 maximum	4 maximum
(d)	50 or greater	10 maximum	5 maximum	6 maximum

(e) Business vehicle may not have more than two axles.

(2) **Regulations for Structures.**

	Acreage	Size of Structures
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial

Section 5-600

Revision Date: **October 3, 2012**

Text highlighted in **yellow** indicates a move from Article 8 to 5-600 or elsewhere in the Ordinance

10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum

(d) Building Height: 35 feet maximum.

(3) Notwithstanding the limitations placed on home occupations in Section 5-400, 100% of an existing farm structure may be used. An approved zoning/building permit shall be received for the change in use.

(4) **Regulations for Storage Yards.**

	Acreage	Size of Storage Yards
(a)	3-5	2,000 sq. ft. maximum
(b)	5 but <10	2,500 sq. ft. maximum
(c)	10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum

(d) Storage yards shall be screened consistent with the requirements of Section 5-653(C) (Screening of Outdoor Storage and Storage Yards). Outdoor storage space must be enclosed on all sides by a fence.

(5) **Setback requirements.**

(a) All structures or storage yards of less than 2,000 sq. ft. for uses allowed under this Section shall be set back a minimum of 100 feet from all lot lines.

(b) All structures or storage yards in excess of 2,000 sq. ft. shall be set back at least 300 feet from all lot lines.

(c) All structures or storage yards used for the storage of heavy equipment shall be set back at least 300 feet from all lot lines and 500 feet from existing residential dwellings.

(6) All businesses which use, or store on site, heavy equipment shall access a paved or all-weather state-maintained road.

(H) The total Floor Area Ratio for all structures shall not exceed 0.1.

5-616

Utility Substations. The following standards shall apply to the development of utility substations.

(A) Utility substation, transmission.

(1) In all agricultural and residential districts, utility substations shall be located on lots of one (1) acre or more.

(2) In all commercial and industrial districts, utility substations shall be located on at least the minimum lot size of the district.

(B) Utility substation, distribution.

(1) In all agricultural and residential districts, utility substations shall be located on lots of one (1) acre or more.

(2) In all commercial and industrial districts, utility substations shall be located on lots of one (1) acre or more.

(C) All utility substations shall be located in areas consistent with the adopted Comprehensive Plan. A Commission Permit shall be required unless the utility substation is specially delineated in the Comprehensive Plan.

(D) All utility transmission and distribution substations and accessory storage yards shall have a minimum Type Four (4) Buffer Yard.

(E) Such utilities may be accessed by a private access easement.

5-617

Freestanding Convenience Food Stores. Except to the extent permitted on smaller lots in the Rural Commercial (RC) zoning district.

(A) Convenience food stores shall be located on lots of 50,000 square feet or greater.

~~(A)~~(B) Convenience food store shall contain no more than 5,000 square feet of retail area.

~~(B)~~(C) If a convenience food store is located at the intersection of two streets, the lot must have at least 200 feet of frontage on each street.

~~(C)~~(D) Any convenience food store located within 200 feet of a residentially zoned, used, and/or planned district or land bay must provide an acoustical barrier, such as landscaping, berms, fences

Section 5-600

Revision Date: October 3, 2012

Text highlighted in yellow indicates a move from Article 8 to 5-600 or elsewhere in the Ordinance

community and homeowners association groups in the area.

- (d) Applicants for new telecommunications towers shall demonstrate that a telecommunications monopole, of comparable transmission capabilities, can not be utilized or can not provide an equivalent level of service.

5-619 Rural Corporate Retreat.

- (A) **Purpose and Intent.** The purpose of this section is to provide for rural agricultural corporate retreat facilities that will be compatible with, and supportive of the primary land use of agriculture, forestry, open space and/or historic preservation.

- (1) The Rural Corporate Retreat is intended to promote the rural amenities of the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 districts as an ideal work place. The Rural Corporate Retreat user is encouraged to incorporate existing structures, which could be restored and maintained into the retreat facilities to preserve the existing rural character.
- (2) Rural Corporate Retreats shall be permitted in the AR, A-3, A-10, TR-10, JLMA-3 and JLMA-20 districts on the basis of land size and average daily users. Permitted Rural Corporate Retreats shall meet specific development criteria outlined in subsection 5-619(C) below. Any Rural Corporate Retreat that does not meet the criteria of subsection 5-619(C), may be permitted subject to special exception approval
- (3) The Rural Corporate Retreat use shall not involve the handling or processing of hazardous or toxic materials. The Rural Agricultural Corporate Retreat use shall comply with the applicable performance standards of Section 5-1500.

- (B) **Rural Corporate Retreat Development Criteria.**

- (1) **Minimum Acreage.** The minimum acreage shall be 50 acres.
- (2) **Open Space.** A minimum of 75% of the total property acreage shall be kept in an agricultural, forestry, open space, and/or historic preservation use.

- (3) **Frontage and Access.** The property on which the Rural Corporate Retreat is located shall have frontage and access on a state-maintained road.
- (4) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04. The total acreage shall be used for determining the permitted floor area.
- (5) **On-Site Food Services.** The retreat facilities may provide on-site food service for employees and retreat visitors, but may not contain restaurant facilities open to the general public.
- (6) **Setbacks.** All retreat facilities buildings shall be set back a minimum of 200 feet from adjacent properties.
- (7) **Storage Areas.** Storage areas related to the retreat facilities shall be permitted.
- (8) **Programs.** The retreat facilities use may include training programs, seminars, and similar activities.
- (9) **Special Events.** Special events shall receive approval pursuant to Section 5-500, unless the facility meets the requirements of Section 5-642.
- (10) **Products Sold On-Site.** No products shall be sold on-site except those that are clearly incidental and integral to the purpose and program of the retreat.
- (11) **One Principal Dwelling.** No more than one principal dwelling unit shall be permitted. Tenant dwellings shall be permitted in accord with Section 5-602.
- (12) **On-Site Recreation.** The retreat facilities may provide on-site recreation facilities to be used solely by employees and visitors, but not by the general public.
- (13) **Average Daily User and Acreage Ratio:** 100 users per 50 acres. Notwithstanding, there shall be no more than 450 users on greater than 200 acres without first securing special exception approval. The term Average Daily Users includes employees and visitors to the site. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.
- (14) **Exclusions.** Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant

Section 5-600

Revision Date: October 3, 2012

Text highlighted in yellow indicates a move from Article 8 to 5-600 or elsewhere in the Ordinance

dwellings are excluded from these requirements and from the floor area ratio calculations.

(C) **Sketches, Site Plans, Special Exceptions and Statements of Use.**

- (1) **Sketch Plan.** A sketch plan is required as a part of a zoning permit application for permitted Rural Corporate Retreats. Sketches shall include an accurate drawing of all aspects of the Rural Corporate Retreat including the size and dimensions of buildings; the size and dimensions of land area devoted to the Rural Corporate Retreat use; the size and dimensions of the land to be maintained in agricultural, forestry, open space, and/or historic preservation use; the size and dimensions of parking areas; building setbacks; the size, dimension, and location of any signs; and the approximate location of any on-site major floodplain as determined from the County flood plain map. In addition, the sketch plan shall include the required information needed to illustrate conformance with the Rural Corporate Retreat regulations of this Section 5-619.
- (2) **Statement of Use.** For all Rural Corporate Retreats, a statement of use shall be filed in conjunction with the sketch or site plan. The statement of use shall define the operations of the Rural Corporate Retreat and shall outline how the use meets the development criteria.

5-620 Manufactured Housing. The following standards shall apply to the development of manufactured housing:

- (A) Homes shall be a minimum of 900 square feet in floor area, and a minimum of 19 feet in width.
- (B) Roofs shall be pitched with a minimum vertical rise of four inches for each twelve inches of horizontal run.
- (C) Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.
- (D) Homes shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or slate or other products as used in surrounding areas.
- (E) All homes shall have a pitched roof with a minimum of either a 6" overhang and a 4" gutter or 12" overhand on the front and back and a minimum of 6" on the sides.

objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

5-640

Conference and Training Centers. Conference and training centers in the AR, JLMA-20 and TR-10 districts shall comply with the following standards.

(A) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Lot Area (Minimum)	Average Daily Users
Level I-small scale	50 acres	Up to 50 users
Level II-medium scale	100 acres	>50 and up to 100 users
Level III-large scale	150 acres	>100 and up to 150 users
Level IV	Requires special exception approval pursuant to Section 5-1300 6-1300	>150 users
Average daily users include the employees, trainees and conferees the conference and training center is designed to accommodate. Service trips, which are trips made to the facility for the purpose of delivering food, supplies, and related materials are in addition to the average daily users.		

(B) **Size of Use.**

- (1) **Floor Area Ratio.** The maximum floor area ratio shall be 0.04.
- (2) **Accessory Uses.** Dining and banquet facilities may be provided for employees, trainees and conferees. The banquet and dining facilities shall not exceed 20 percent of the total area of the principle permitted structure. The lodging facilities shall not constitute over 40 percent of the total area of the principal permitted structure.
- (3) **Special Events Only by Section 5-500 or Special Exception.** Special events shall receive approval pursuant to Section 5-500, or be specifically provided for in the approval of a special exception (Section 6-1300), as applicable.
- (4) **No Products Sold On-Site.** No products shall be sold on-site, except those that are clearly incidental and integral to the training programs and seminars. Shirts, glasses, golf equipment, pens and pencils, mugs and similar items with the logo of the company or firm conducting or sponsoring the conference or seminars are considered incidental and integral to the training program.

Section 5-600

Revision Date: October 3, 2012

Text highlighted in yellow indicates a move from Article 8 to 5-600 or elsewhere in the Ordinance

- (I) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (J) **Noise Standards.** The maximum allowable dB(A) level of impulsive sound from the site, as measured at the property line, shall not exceed 55 dB(A).

5-661 Business Service Establishment.

- (A) Retail sales to the general public shall not exceed twenty percent (20%) of the gross floor area devoted to the business service establishment.

5-662 Contractor Service Establishment.

- (A) Retail sales to the general public shall not exceed ten percent (10%) of the gross floor area devoted to the contractor service establishment.
- (B) Outdoor storage of equipment, supplies, and construction trailers are permitted, provided such are fully screened from public roads and adjacent lots where contractor service establishments are permitted.

5-663 Wholesale Trade Establishment.

- (A) Retail sales to the general public shall not exceed twenty percent (20%) of the gross floor area devoted to the wholesale trade establishment.

Division D: Landscaping, Buffering and Tree Preservation

Section 5-1300 Tree Planting and Replacement.

5-1301 Purpose. The purpose and intent of this Section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Section 15.2-961 of the Code of Virginia.

5-1302 General Standards.

- (A) All trees to be planted shall meet the specifications of the American Association of Nurserymen.
- (B) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County shall maintain current copies of these specifications available to the public.
- (C) The minimum caliper of all deciduous trees planted shall be one (1) inch, and the minimum height of all evergreen trees shall be six (6) feet.

5-1303 Canopy Requirements.

- (A) **Site Planning.** A Final Site Plan, or Construction Plans and Profiles for single family attached units in those districts where applicable, required under Section 6-701, shall include the planting and replacement of trees on site to the extent that, at maturity of ~~ten-twenty~~ (4020) years, minimum tree canopy shall be provided as follows:
 - (1) Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the GB, PD-MUB, PD-IP, PD-OP, PD-GI, MR-HI, PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TREC, PD-TC, CLI, RC, and PD-H Districts.
 - (2) Ten (10) percent tree canopy for sites zoned PD-H and R-24 with densities of twenty (20) or more units per acre.
 - (3) Fifteen (15) percent tree canopy for sites zoned PD-H and R-16 for multi-family and single family attached

units with densities of eleven (11) to nineteen (19) units per acre.

- (4) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.

(B) **For development requiring a plan of subdivision, but not a site plan, property not zoned A-3, A-10, AR-1, AR-2, i.e. single family and duplex dwellings.** When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned A-3, A-10, AR-1, AR-2, a landscape plan shall be included at Record Plat or construction drawings, whichever shall occur first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of ~~ten~~twenty (~~10~~20) years, minimum tree canopies will be provided as follows:

- (1) If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 10 years maturity.
- (2) If the site has a tree canopy coverage of less than twenty (20%) prior to recordation of the subdivision, the plan shall provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 10 year maturity.
- (3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Such trees shall be counted toward the minimum tree canopy requirements in (1) and (2) above.
- (4) Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more. Such trees shall be counted toward the minimum tree canopy requirements in (1), (2) and (3) above.

(C) **Exclusions.** For the purpose of calculating the area of a site, to determine tree canopy coverage requirements, the following areas shall be excluded:

- (1) Properties reserved or dedicated for future street construction or other public improvements.
- (2) Ponds and unwooded wetlands.
- (3) Properties reserved or dedicated for school sites, playing fields and other non-wooded recreation areas, and other facilities and areas of a similar nature.
- (4) Portions of a site which contain existing structures that are not the subject of a pending application.

(D) **Existing Conditions.** Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan or record plat, or construction plans and profiles, identifies such trees and the trees meet standards of desirability and life-year expectancy established by the Zoning Administrator.

5-1304 **Variations.** Reasonable exceptions to or deviations from the requirements in this Section to allow for the reasonable development of farmland or other areas devoid of woody materials, including the preservation of wetlands, or when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, shall be considered by the Zoning Administrator upon application by the owner.

5-1305 **Enforcement.** Penalties for violations of the requirements of this Section shall be the same as those applicable to violations of other provisions of this Ordinance.

NOTE: This is the original, existing text. No change is proposed.

Table 5-1414(A)

PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Junk Yard Fuel Sales													
Group 13 Farming, including livestock and horticultural activity Fur Bearing Animal Raising Stable and Equestrian Center	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

(B) Buffer Yard.

Table 5-1414(B)

Required Plantings per 100 Lineal Feet of Property Line

Buffer Yard Type	Canopy Trees	Understory Trees	Shrubs	Evergreen Trees	Other Requirements
(1) Type 1					
Front	2	0	0	0	10' minimum width 25' maximum width
Side/Rear	1	4	0	0	10' minimum width 25' maximum width
(2) Type 2					
Front	3	2	10	0	15' minimum width 25' maximum width
Side/Rear	2	4	10	2	20' minimum width 30' maximum width
(3) Type 3					
Front	3	3	20	0	20' minimum width 30' maximum width
Side/Rear	2	5	10	4	25' minimum width 30' maximum width
(4) Type 4					
Front	4	3	20	0	20' minimum width 30' maximum width
Side/Rear	2	5	10	8	25' minimum width 30' maximum width A Six foot high fence, wall, or berm providing a minimum opacity of 95%

Division C: Required Development Approvals

Section 6-700

Site Plan Review.

6-701

Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category that do not involve access by the public as a part of such use.
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.
- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.

- (M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Sketch Plan as identified in Section 6-703 do not require a site plan.

6-702

Site Plan Requirements. The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. ~~In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:~~

- ~~(A) The approved concept development plan, rezoning plat, or special exception plat;~~
- ~~(B) The Copy Teste of the Board of Supervisors action on such plan or plat;~~
- ~~(C) A copy of the approved proffers and/or special exception conditions;~~
- ~~(D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.~~

6-703

Sketch Plan.

- (A) A Sketch Plan is required as part of a zoning permit application for the following permitted uses: Animal Care Business, Child Care Home, Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan), Stable (Private or Neighborhood), and Wayside Stand.
- (B) A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8 DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. For the purpose of this Ordinance, certain words and terms are herein defined as follows:

A

Abattoir: A commercial slaughterhouse.

Access: A means of approach or admission.

Accessory Building: A non-habitable building located on a lot, the use of which is associated with the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

Active channel: The area of the stream channel that is subject to frequent flows (approximately once per one and one-half years), and that includes the portion of the channel below where the floodplain flattens.

Active recreational uses: Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.

Adult Day Care Center: A licensed facility for four or more aged, infirmed, or disabled adults which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere, except a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Service, and the home or residence of an individual who cares for only persons related to him by blood or marriage.

Adult Entertainment: Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "Specified Sexual Activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, 'Specified Anatomical Areas' is defined as:

Antique shop: An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Application, Active: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Preliminary or Final Site Plan application, which has been officially accepted by the County and which is not an inactive application or has not been withdrawn or has not received a final decision.

Application, Inactive: Any Zoning Map Amendment application, Zoning Modification application or Concept Plan Amendment application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant for a period of twelve months, or any Special Exception application, Preliminary or Final Site Plan application, Preliminary or Final Record Plat application officially accepted by the County for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months.

Application, Reactivated: Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Preliminary or Final Site Plan application which was classified as inactive which the applicant subsequently notifies the County in writing of their desire to have the application brought to final decision.

Arboretum: A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

Arborist or Urban Forester: A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Art gallery: A room or series of rooms where works of art are exhibited for display or sale.

Art studio: The workshop of an artist, writer, craftsman, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Auction house: A place where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Automobile Car Sharing Agency: A motor vehicle sales and accessory service lot use that provides vehicles shared by its members as a means to supplement mass transit facilities.

Automobile Service Station/Automotive Service Station: Buildings and premises where gasoline and/or; oil, grease, batteries, tires and automobile accessories ~~are may be supplied and~~ dispensed at retail as

a principal use and where, in addition, the following services may be rendered and sales made, and no other.

- a. Sale and servicing of spark plugs, batteries, and distributor parts.
- b. Tire sales, servicing and repair, but not recapping or regrooving.
- c. Replacement or adjustment of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
- d. Radiator cleaning and flushing, provision of water, anti-freeze and the like.
- e. Washing and polishing, and sale of automotive washing and polishing materials.
- f. Greasing and lubrication.
- g. Providing and repairing fuel pumps, oil pumps and lines.
- h. Servicing and repair of carburetors.
- i. Emergency wiring repairs.
- j. Adjusting and repairing brakes.
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- l. Provision of ~~hot and cold drinks, packaged foods, tobacco, and similar~~ convenience goods for gasoline supply station customers, ~~but only as accessory and incidental to principal operation.~~
- m. Provision of road maps and other information material to customers; provision of restroom facilities.
- n. Performing State vehicle inspections.
- o. Car wash.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations.

Automobile Sales Lots: A lot arranged, designed, or used for the storage and display for sale and/or lease of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor and incidental repair of automobiles or trailers displayed and sold on the premises.

Aviary: A place used for keeping birds for the purposes of commercial breeding or propagation or for display to the public, but not including facilities within and incidental to the operation of a retail pet store.

Aviation: Uses characterized by facilities for the operation and maintenance of aircraft, including airports, hangars, runways and landing strips, flight schools, and fueling facilities.

B

Banquet/Event Facility: A use in which the principal function is hosting private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities,

held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels, bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses. Adult entertainment shall not be permitted at a Banquet/Event Facility.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the mean level of the adjacent ground.

Bed and Breakfast (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn): A business operated in one or more structures which are used for providing overnight accommodations to the public and which may include rooms for meetings as well as Banquet/Event Facility(ies) for private parties as an ancillary use. ~~An owner or manager may live on the premises. The number of guest rooms may range from three (3) to no more than ten (10). The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or other transient guests attending meetings or private parties.~~

Bedrock: Rock formation that underlies a surface covering such as soil or extends through the soil as a rock outcrop.

Berm: A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

Best Management Practices: Methods and practices that are the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources (NPS) to a level compatible with established water quality goals. Best management practices may be applied in no-build buffers to protect streams and to control the design and operation of stormwater management facilities, lakes and ponds, silviculture, farming, restoration efforts, and development in and around stream corridors and water supply sources as further defined in the Facilities Standards Manual (FSM).

Biotechnical agriculture: Agriculture that uses biotechnical methods to modify living cells or organisms to produce substances or perform processes.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream between any of the foregoing and any other barrier to the continuity of development. A block may contain an alley.

Board of Supervisors or Board: The Board of Supervisors of Loudoun County, Virginia.

Botanical garden: A garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.

Buffering or Screening: Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and

further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.

Buildable Area: The area of the lot remaining after required yards have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

Buildable Area: The area of the lot remaining after required yards have been provided.

Building, Civic: A structure used for community purposes, such as churches, community/recreation centers, service organizations and libraries, located on a civic-use lot.

Building Coverage: All areas under roof or projections from buildings on a lot.

Building Footprint: The area on the ground surface covered by the building.

Building Height: The vertical distance to the highest point of the roof for flat roofs; and to the average height between eaves and the highest point of the roof in the case of pitched roofs, measured from the curb level, if the building is not more than ten (10) feet distant from the front lot line, or from the average finished grade at the front of the building in all other cases.

Building Inspector: An appointed official of Loudoun County who is responsible for certifying building inspections.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

Bus: As used within the context of the PD-TRC zoning district, "bus" shall mean Bus Rapid Transit or an express bus serving the Dulles Greenway/Toll Road corridor and shall not mean a local bus service.

Business Service Establishment: Establishments primarily engaged in rendering services on a fee or contract basis to the business, commercial, industrial, or institutional community, such as advertising and mailing; business maintenance; employment service; management and consulting services; travel agent; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; quick print shop; and personal supply services; ~~but not including retail sales to the general public in excess of twenty (20) percent of the gross floor area. Such retail sales area shall only be a secondary and subordinate ancillary activity.~~

common open space. All land not included within lots or required for public or private streets shall be maintained as common open space. Common open space shall be designed to constitute a continuous and cohesive unit of land which may be used for active or passive recreation by residents and shall be reasonably accessible to all permitted uses and all residential units within the development.

Code: The Code of Loudoun County, Virginia.

Coffeehouse or teahouse: An establishment ~~up to 2,500 square feet in total area~~ that primarily prepares, sells and serves coffee, tea and other beverages, and which may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and which has a seating area which serves as an informal conversation or lounging place.

Co-housing: A residential arrangement on the site of an active agricultural, horticultural or animal husbandry operation consisting of more than one individually owned dwelling unit and extensive common facilities, such as a large dining room, kitchen, lounges, meeting rooms, recreation areas, library, workshops, childcare, laundry, greenhouse, or other facilities for use by the organized group of residents living in the co-housing who participate in the planning, design, ongoing management and maintenance of the residential arrangement and in the routine activities of household living.

College, University: An institute of higher education authorized by the State to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For junior college or other educational institutions refer to definition of "Educational Institution".

Commercial Repair Garage: Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Commonly Owned Open Space: Open space that is owned and managed by a condominium or homeowner association restricted for the use and enjoyment of association members.

Community center: A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately owned.

Commuter Parking Lot: An off-street, ground level area, usually surfaced and improved, for the parking, on a daily basis, of commuter vehicles. Often established in conjunction with mass transit arrangements and car pooling programs.

Composting: The manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition, which produces compost.

Comprehensive Plan: The official document, commonly referred to as the General Plan, or elements thereof, adopted by the Board of Supervisors, intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.

Concept Development Plan (CDP): Part of a rezoning application (ZMAP) or of a zoning concept plan amendment application (ZCPA). The concept development plan may consist of both a visual and a written representation depicting the layout and/or design of the development, and all associated proffers. When the concept development plan is approved through the legislative process, the plan then becomes binding on the developer and his successors in interests.

Conference and Training Centers: Facilities used for business or professional conferences, seminars, and training programs, which may include accommodations for sleeping, eating and recreation.

Congregate Housing Facility: A structure other than a single-family dwelling where more than four (4) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis.

Conservancy Lot: A lot, excluding the hamlet/cluster lots, open space and/or hamlet green/square, which will remain as large parcel(s), the bulk of which is in permanent open space easement and a portion of which may be designated a building area.

Contiguous: Touching, abutting, or adjoining at the border or immediately across the street.

Continuing Care Facility: This type of facility may consist of three (3) types of care, or any one or two types:

- a. Congregate Living Facility: a facility which provides independent living which may be affiliated with, or located near health care facilities.
- b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Contractor Service Establishment: Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, and construction and demolition services. Retail sales to the general public are not permitted except as an accessory use. ~~Such retail sales shall not exceed 10% (ten percent) of the gross floor area devoted to the Contractor Service Establishment Use. Outdoor storage of equipment, supplies, and construction trailers are permitted in a contractor service establishment, provided such are fully screened from public roads and adjacent lots where the uses thereon are not listed above.~~

Convenience Food Store: A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, characterized by the retail sale of food and other household products, the rapid turnover of customers and a, high traffic/trip generation, and having less than 5,000 square feet of retail area.

Convent: A structure used for the purpose of housing persons on a permanent basis who are not members of a family as defined in this Ordinance and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the convent use but only for the residents of the convent. A convent is a permitted accessory use where incidental to a religious assembly use (church, synagogue, temple, mosque).

Convention or exhibition facility: An enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of human beings, either with or without display collections of animals, machines, or objects. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

Corporate training center: A facility used for business or professional conferences, seminars, and training programs, primarily by incorporated organizations, which may include accommodations for sleeping, eating and recreation by participants.

Country Club: A land area and structures containing a club house, dining and/or banquet facilities, conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests for a membership fee. A Country Club shall include an equestrian facility and/or a golf course and may include swimming pools, tennis courts, squash courts, stables and riding facilities.

Country Inn: A business operated in one or more structures which offers overnight accommodations and may contain meeting rooms, dining, and banquet/event facilities in a predominately rural area. ~~The number of overnight guest rooms may range from four (4) to forty (40).~~ An owner may live on the premises. A Country Inn may include a full-service restaurant for guests and the general public and meeting facilities. A Country Inn may also include a Banquet/Event Facility as an ancillary use.

Countryside Village Core: A compact, pedestrian-scaled area of predominantly non-residential uses which provides the main organizing feature of the Planned Development-Countryside Village (PD-CV) district. It consists primarily of civic and institutional uses, and may include commercial office, retail, service, as well as some above-street level residential uses. It is generally surrounded by the Countryside Village Neighborhood.

Countryside Village Neighborhood: Land within the Planned Development-Countryside Village (PDCV) district designated primarily for residential uses consisting of a mix of single-family detached, single-family attached and multi-family units. It generally surrounds the Countryside Village Core and is generally surrounded by the Countryside Village Conservancy.

Countryside Village Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district designated primarily as open land which provides a visual and physical distinction between the development and surrounding countryside, and significant buffering of neighboring properties while allowing for limited residential use. It generally surrounds the Countryside Village Neighborhood.

Countryside Village Satellite Conservancy Area: Land within the Planned Development-Countryside Village (PDCV) district which does not adjoin other portions of the district and which is placed in an open

space easement. It's area shall be included in calculating the total development potential of the proposed Countryside Village.

Countryside Village greens, parks and squares: Public open spaces at least 10,000 square feet in size, located within the Countryside Village which primarily contain well defined, generally permeable green space with landscaped areas, pedestrian ways and passive recreational areas or any combination thereof.

Countryside Village Plaza: An open, generally impervious, public space at least 3,000 square feet in size, which may contain landscaped areas and street furniture.

County: Loudoun County, Virginia.

Court: An open, unoccupied space, other than a yard with a building or group of buildings, which is bounded on two or more sides by such building or buildings, and every part of which is clear and unobstructed from its lowest point to the sky, except for landscaping, if any.

Craft shop: A retail store ~~no greater than 3,000 square feet in gross floor area (all structures)~~, which displays and offers for sale handcrafted items by local artisans.

Crematorium: A building with a furnace for cremating dead bodies, either animal or human.

Cross-country ski business: A facility which offers to members of the public cross-country ski recreation opportunities, including the rental of non-motorized ski equipment, changing facilities, and access to maintained trails or trail shelters.

Cross Section: Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

Cultural and Government Facilities: Public or nonprofit facilities displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking and storage areas.

Cultural Center: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.

Custom Operator: An enterprise in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

D

Day Care Facilities: Facilities for the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours a day. Accessory uses may include offices, recreation areas, and parking.

Enfront: To face or to be opposite across a street.

Equestrian Facility: A commercial facility for the keeping of horses, having more than 20 horses for boarding and three (3) or more active riding instructors.

Erected: Shall be taken to mean constructed, reconstructed, moved or structurally altered.

F

Facilities Standards Manual (FSM): The Facilities Standards Manual of Loudoun County.

Facility for lessons in dance, gymnastics, judo and sports training: A school primarily devoted to giving instructions in, musical, dramatic, artistic, terpsichorean, martial arts or similar sports or other special subjects, but not including (a) a child care center or family day care home; or (b) a riding school, however designated.

Fairground: A parcel or tract of land used as the site of any fair, exposition or public display.

Family: A group of people living together consisting of:

- a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
- b. No more than 4 unrelated persons;
- c. Any group identified in Section 15.2-2291 of the Code of Virginia.

Farm based tourism: Tourism events which focus on visitation of farms, including organized farm tours and participatory farm vacations.

Farm co-op: A facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central market place where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

Farm machinery repair: A commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm machinery sales, rental and service: An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. ~~A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced on site or on other property within Loudoun County owned or leased by the operator of the Farm Market within Loudoun County. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.~~

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. ~~A minimum of twenty five percent (25%) of the products offered for sale must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County.~~—A Farm Market (off-site production) may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

Fee Simple Ownership: The complete ownership interest in real property; the ownership of the entire “bundle” of rights attached to real property.

Feedlot: An enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in one-year period, with or without an area for the raising of crops, forage or other vegetation and upon which animals fed for slaughter are allowed to graze or feed. A “feedlot” does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Final Development Plan: A required submission following the approval of a Concept Development Plan and rezoning application for a PD-CV district, and for a PD-TRC district prepared and approved in accordance with the provisions of Section 4-1103 (C), which further details the planned development of the subject lot(s). This Plan may be approved by the Planning Commission simultaneously with its review of the Concept Development Plan but must be approved prior to the approval of a site plan.

Fire and/or rescue station: Facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Fiscal: Of or relating to public revenues, public expenditures and public debt; public financial matters.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated areas in the floodplain subject to inundation of the base flood and the risk premium zones based on the technical data in the Flood Insurance Study.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles and the water surface elevation of the base flood.

Floodplain: A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel.

Floodplain, 100-year: Any land area susceptible to being inundated by water from the base flood and having a drainage area greater than one hundred (100) acres.

Livestock: Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

~~**Loading Space, Semi-trailer:** A loading space or dock with a minimum of 14 feet in width, and a minimum of 50 feet in length and a vertical clearance of 15 feet.~~

~~**Loading Space, Single Unit:** A loading space or dock with a minimum of 14 feet in width, and a minimum of 30 feet in length and a minimum vertical clearance of 15 feet.~~

LOD: Limestone Conglomerate Overlay District, as defined in Section 4-1900 of the Zoning Ordinance.

Lodging Unit: Living quarters for a family which do not contain independent kitchen facilities, provided, however, that dwelling units available for occupancy on a rental or lease basis for periods of less than one (1) week shall be considered lodging units even though they contain independent kitchen facilities.

Lot: A parcel of land occupied, or to be occupied, by one or more buildings and accessory buildings, and open space, and other requirements of the provisions of this Ordinance. "Lot" shall include the words "plot" and "parcel". The term "lot" does not include land identified on a legally recorded subdivision plat filed among the land records of Loudoun County as an "outlot" as referenced in Section 1-404(B)(3).

Lot Area: The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" shall not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet.

Lot, Civic Use: Land area within a Rural Village Center or Countryside Village development, so designated on the Village Concept Development Plan, upon which structures may be erected for community use, enjoyment and benefit.

Lot, Concave: A lot that has one side curving inward from the street on which the lot fronts.

Lot, Convex: A lot that has one side curving outward toward the street on which the lot fronts.

Lot, Corner: A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five degrees.

Lot Coverage: The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures, excluding uncovered decks, on such a lot. Multifamily and nonresidential parking structures below or above grade and stand-alone mechanical structures are excluded from lot coverage.

Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line. If no rear lot line exists, the depth shall be measured between the front lot line and the rear setback line.

Mill feed and farm supply center: A commercial enterprise engaged in the provision of animal feed, bedding and accessories and farm and garden supplies (such as seed, fencing, hardware, pesticides, and fertilizer) to agricultural, horticultural, and/or animal husbandry operations, but not an enterprise where more than 10% of the floor area or display or storage area utilized for the enterprise is devoted to heavy equipment and machinery; a “feed-and-seed” store.

Minimum Stream Buffer: A 100-foot area on both sides of a stream, measured from each stream bank, designed to be a natural riparian forest and filtration area that will ensure the maintenance of water quality and the ecological integrity of the protected corridor.

Mini-Warehouse: A building consisting of individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies.

Minor Utilities: Above- and below-ground electrical transmission lines, except for overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power; above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such “minor utility” facilities generally do not have employees on site, and the services may be publicly or privately provided. “Minor utility” does not include uses more specifically defined in this Ordinance, including but not limited to “telecommunication use and/or structures.”

Mitigation Measures: Methods used to alleviate or lessen the adverse impacts of development.

Model home: A building having the physical characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of units in a residential development. The ultimate intended use for such a model is as a dwelling.

Moderately Steep Slope Area: Land areas with slopes from 15% to 25%. The Steep Slope Standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches.

Motorcycle: A ~~two-wheeled-automotive~~motor vehicle designed to travel on not more than three wheels in contact with the ground. for one or two people.—The operator must hold a valid driver’s license with a Class M designation or a motorcycle driver’s license.

Motor Vehicle Sales, and Accessory Service: Any use of land whereon the principal occupation is the sale, rental and accessory service of vehicles in operating condition such as automobiles, motorcycles, All Terrain Vehicles (ATV), and trucks stored on site. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments; however, specialized vehicles may be sold, rented and serviced as an accessory use.

Motor Vehicle Sales Limited to Racecars: Any business establishment intended for the sale of racecars.

Motor Vehicle Service and Repair, Heavy: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Light vehicle service establishments may be permitted as an ancillary use; however, motor vehicle service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

Motor Vehicle Service and Repair, Light: Buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle accessories, such as the following: Spark plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Light vehicle service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor, except that 10% of the floor area may be used for heavy motor vehicle service and repair as defined in Motor Vehicle Service and Repair, Heavy. Uses permissible at a vehicle light service establishment shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Motor vehicle service and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.

Motor Vehicle Storage and Impoundment Yard: ~~An screened and buffered~~ area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

Municipal drinking water supply reservoir: A dam and impoundment area created, owned and operated by a municipality to store water as part of a public water utility, including necessary or customary appurtenant facilities such as access roads and transmission pipes. Water storage tanks and water treatment plants are separate uses not included as part of a water supply reservoir.

N

National Register of Historic Places: A register of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and/or culture that is maintained by the Federal Secretary of the Interior. National Historic Landmarks are districts or structures listed on the Register that are considered to be of unusual importance to American history, architecture, archaeology and/or culture.

Nature study area: A natural place set aside for the observation or study of flora or fauna, where structures and changes to the landscape are limited to facilities that enable study or observation, such as benches, trails, markers or observation platforms.

Nonconforming Use: Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Ordinance, or any amendment to it rendering such use nonconforming which

does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

Non-Habitable: Space in a structure that is not used for living, sleeping, eating, or cooking, such as, but not limited to, garages, toilet compartments, closets, utility spaces or similar areas. Commercial and industrial structures do not have habitable space.

Non-Point Source Pollution (NPS): Pollutants carried in stormwater runoff, including but not limited to sediments, nutrients, animal waste, pesticides, salt and toxins, that cannot be traced to a specific point source and whose point of entry into a stream cannot be determined.

Non-Profit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Non-Vehicular Open Space: See Open and Useable Space.

Nursery, Commercial: An agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. ~~Twenty five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on site.~~

Nursery, Production: An agricultural enterprise where plants are grown for resale on a retail or wholesale basis for only those plant materials grown on-site.

Nursing Home: A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

O

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, but not limited to: accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesman, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

Office, Administrative: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

Office, Business or Sales: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives, or manufacturers' representatives.

Recreational facilities may be open to the public for a fee, provided the intent of the open space requirements is maintained. Examples of acceptable for-fee facilities include golf courses and sports pavilions where such facilities are utilized and enjoyed by the development but that must secure outside users for economic viability.

- b. **Open space, common:** Land within, or related to, a development not individually owned or dedicated for public use which is designed or intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.
- c. **Open space, dedicated:** All open space which is to be dedicated or conveyed to the County or an appropriate public agency, board, or body for public use as open space. For the purposes of this definition, twenty-five percent (25%) of all dedicated school sites shall be considered as dedicated open space.

Originating Tract: A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through either the “Principal/Subordinate” or “Cluster” subdivision options as identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement these two subdivision options.

Outdoor amphitheater: A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land such as a hillside or depression.

Outdoor Sales, Accessory: An unenclosed area where the primary purpose of the area is for the retail sale of merchandise. Such sales and or display area shall be accessory and subordinate to a permitted principal use.

Outdoor Storage: The holding or storage, in an unroofed area, of any goods, junk, materials, merchandise, or vehicles in the same place for more than twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage/Storage Yard, Accessory: The holding or storage of merchandise, goods, vehicles, equipment or materials as an accessory use to the permitted business, ~~wherein the outdoor storage area does not exceed ten percent (10%) of the gross floor area of the primary use~~. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.

Outdoor Storage, Construction Materials: The holding or storage of materials utilized in off-site construction, to include machinery, tools or construction equipment and/or supplies including, but not limited to, lumber, prefabricated structural elements, forms, jigs, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction.

Outdoor Storage, Vehicles: The holding or storage of new or used automobiles, trucks, buses, snowmobiles, motorcycles, all terrain vehicles, boats, light aircraft, mobile homes, trailers, farm

Road, Major Collector: A publicly owned and maintained road generally serving an intra-county and, in some situations, a inter-county function. Major collectors carry traffic from individual developments to arterial roads. New major collectors are planned for controlled access, with turn lanes at all entrances. Major collectors are often four, and sometimes six lanes. However, existing rural major collectors may be as few as two lanes. Examples of urban major collectors include Route 640 and Ashburn Village Boulevard. Routes 734 and 621 are examples of rural major collectors.

Road, Minor Collector: A publicly owned and maintained road generally serving several different neighborhoods and providing a linkage to the major collector roads. This category of road allows for traffic mobility and individual, or combined, lot access. Minor collectors may be two or four lanes and receive local and private roads.

Road, Private: A privately owned road designed and built to established County Standards for direct access to individual lots, with the owners of said lots or a Homeowner's Association (HOA) responsible for its maintenance.

Road, Village Neighborhood: Roads which primarily provide for traffic circulation within the Village Center and access to individual lots.

Road, Village Through: Roads which provide for primary access to the Village Center from the Significant Rural Transportation Route and Corridor Network listed in Table 1. (Section 4-1200)

Rock Outcrop: Any rock exposed at or above the ground surface which is attached to the underlying bedrock.

Rooming House: A lodging place for four or more boarders where rooms are offered on a single room occupancy basis and where sanitary facilities may be shared. A common cooking facility may be provided. Lodging is provided on no less than a month-to-month basis.

Rural Cluster Lot: A type of lot located within an AR-1 or AR-2 District cluster subdivision.

Rural Corporate Retreat: A use, compatible with agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Corporate Retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural Corporate Retreat facilities may include facilities for associated training programs, seminars, conference, and related activities. ~~No outdoor storage related to the corporate retreat use is permitted.~~

Rural Economy Conservation Lands: One of the two required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.

Rural Economy Lot: A type of lot located with an AR-1 or AR-2 District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 cluster

subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use

Rural Economy Uses: An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area's rural atmosphere.

Rural recreational establishment, outdoor: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.

Rural Resort/Rural Retreat: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities.

~~**Rural Retreat:** A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and/or banquet facilities, and recreational amenities of a rural nature.~~

Rural Village Center Subdistrict: The portion of the Rural Village (RV) district designated for pedestrian friendly, mixed-use development, consisting of single-family detached, townhouse, apartment, storefront, workplace and civic uses on the Concept Development Plan.

Rural Village Commercial Area: Land within the Rural Village Center designated primarily for commercial, apartment and civic uses on the Concept Development Plan.

Rural Village Conservancy (VC) Subdistrict: Land within the Rural Village (RV) district surrounding the Village Center subdistrict which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Residential Area: The land area within the Village Center subdistrict designated primarily for single-family attached and detached and civic uses on the Concept Development Plan.

Rural Village Satellite Conservancy (RVSC) Subdistrict: Land within the Rural Village (RV) district which does not adjoin the Village Conservancy and which is placed in an open space easement in order to offset the increased density in the Village Proper (VP).

Rural Village Workplace Area: The land area within the Village Center designated for employment uses on the Concept Development Plan.

Sinking Stream: Any stream draining 640 acres or less that disappears underground into a Swallet, Sinkhole, Closed Depression or Cave Opening.

Site Plan: A required submission, prepared and approved in accordance with the provisions of Section 6-700, which is a detailed engineering drawing of the proposed improvements included and required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a concept development plan, as required by other provisions of this Ordinance. Reference Chapter 1244 Site Plan Procedures of the Land Subdivision and Development Ordinance (LSDO).

Slope: The vertical elevation of land area divided by the horizontal distance, expressed as a percentage. Slope percentage shall be determined using the County base planimetric and topographic maps or if required, then other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. See also related definitions of "Very Steep Slope Area" and "Moderately Steep Slope Area," in this Article.

Small Business: A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance. For the purposes of this definition the following terms have the meaning herein ascribed to them:

- a. Structure. A structure used for a small business.
- b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles requiring Department of Motor Vehicle tags and designed and primarily used to transport people. ~~Business vehicle may not have more than two axles.~~
- c. Employees. Persons, other than members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.
- d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and any other motorized or similar equipment which is primarily used to perform heavy work activities, and not used to transport passengers, and which do not require or use Department of Motor Vehicle tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses, excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for heavy work, all of which are used for off-site income producing purposes.

Any heavy equipment used principally for agricultural uses onsite may be used offsite for small business uses listed in Section 5-614(D). The term "heavy equipment" includes all vehicles not classified as "business vehicles", as defined above, which are associated with the small business. Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy equipment.

- e. Storage yard. An outdoor space accessory to a permissible use, ~~enclosed on all sides by a solid fence~~, and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to a permissible business.

standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, temporary construction or personal use are excluded from this definition.

Storage Yard: ~~An outdoor space accessory to a permitted use, enclosed on all sides by a solid fence and used for the purpose of storing equipment, vehicles, construction materials, and similar items necessary to the permitted business.~~

Stormwater Management Improvements: Surface drainage improvements, storm sewers, detention and retention ponds, and other such improvements as required under authority of the Land Subdivision and Development Ordinance (LSDO) and Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Loudoun County Code.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty feet or more.

Stream Bank: The uppermost limit of the stream's active channel, usually marked by a break in slope.

Street, Centerline of: A line established as a centerline of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map or, if there be no official centerline, a line running and lying midway between the street right-of-way lines. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline shall be established by the Commission or, in the absence of a determination by the Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

Streetlight: A pole or pedestal mounted luminaire with a metal halide or other full spectrum bulb.

Street Tree: Any tree which grows in the street right-of-way or on private property abutting the street right-of-way.

Structural Alteration: Any change, modification, addition or deletion to the bearing walls of an existing structure.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

Structure, Accessory: A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

Wetland Mitigation Bank: A natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

Wholesale Trade Establishment: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

Winery, commercial: An establishment with facilities for making and bottling wine for sale on site or through wholesale or retail outlets. A commercial winery is a winery that does not meet the definition of a Virginia Farm Winery. Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses shall include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold.

Winery, Virginia Farm: An establishment: (1) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or (2) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the term owner or lessee shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the Commonwealth. ~~A minimum of 51 percent of the fresh fruits or agricultural products used at the Virginia Farm Winery for the production of wine shall be grown or produced on the farm or at the winery and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown outside the Commonwealth.~~ Accessory uses at a Virginia Farm Winery may include: commercial wineries, wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold. ~~The area for wine tasting and accessory food sales shall not exceed 25 percent of the area of the structures at a Virginia Farm Winery. A farm winery license shall be designated either as a Class A or Class B farm winery in accordance with the limitations set forth in §4.1-219 of the Code of Virginia.~~

X-Y-Z

Yard: Area on a lot which shall be unoccupied by any structure, except as permitted by this Ordinance, from the ground to the sky.

Yard, Front: An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot.

Legend

Green =	no staff concern
Blue =	not Zoning Ordinance related
"Priority List #" column	indicates that draft text language for a priority item includes or will include the line item in the draft; number corresponds to staff report priority item
"Bin" column: Quick-fix =	the line item was reviewed by Stakeholders/staff and determined to be something that could be addressed quickly
Mid-term =	line item requires additional research to resolve or address
Long-term =	line item could take significant time to resolve or address
*Staff Concern: No =	no immediate concern with issue, but may require more discussion
Yes =	staff has a concern with implementation or potential Comp Plan conflict. Issue may require more research
**Biz Impact: Low =	impacts limited number of properties;
Medium =	impacts limited geographic area;
High =	Impacts largest number of parcels and business opportunities
NS =	No Support (issue as described does not add directly to increasing business development)

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
1		Processing is not permitted except as accessory use, therefore, product to be processed has to be grown on site. Allow processing as a principal use in the ag districts.	2-100, 2-200	AR-1 AR-2	Remove zoning obstacles to processing facilities for meat, dairy, and vegetables for both on farm processing and establishment of new processing businesses to serve direct market ag industry. One bottleneck to enhancing local production is the processing capacity of the area. There is a market need and Loudoun could follow the lead of Lancaster County VA in promoting establishment of these businesses.	Long-term	no	H
2	6	Bed & Breakfast Homestay/Farmstay		Not Specified	Create new use, Bed & Breakfast Homestay/Farmstay that allows 1-6 guest rooms by right with no minimum acreage.	Quick Fix	yes	H
3	6	Bed & Breakfast Inn		Not Specified	Replace Bed & Breakfast use with Bed & Breakfast Inn that allows 7-10 rooms on property by right with no minimum acreage.	Quick Fix	yes	H
4	6	Bed & Breakfast Homestay/ Farmstay and Bed & Breakfast Inn use			Add references to Bed & Breakfast Homestays/Farmstays and Inns to zoning districts, as appropriate.	Quick Fix	no	H
5	6	Bed & Breakfast Homestay/ Farmstay and Bed & Breakfast Inn use		Not Specified	Move Bed and Breakfast from Commercial Use Category to Residential Use Category	Mid-Term	yes	H (NS)
6		Rural Uses	Article 2	Not Specified	Add/Delete various uses to make the list of permitted, special exception, and minor special exceptions. Combine redundant rural uses or better define.	Quick Fix	no	H
7		Equestrian Uses	Section 2-102 and 2-202	AR-1 AR-2	Why are there so many categories of stables and equestrian facilities?	Quick Fix	no	H
8		Maximum lot coverage	2-103(A)(3)(d) & 2-203 (A)(3)(d)	AR-1 AR-2	Lot coverage should exclude agricultural structures as in A-3 and A-10	Quick Fix	no	M
9		Similar uses have different performance standards	2-100 & 2-200	AR-1 AR-2	Combine like uses in the AR-1 and AR-2 zoning districts and have like uses have the same performance standards.	Quick Fix	no	H
10		Sports fields, Rural recreational establishment, outdoor	2-100 & 2-200	AR-1, AR-2, JLMA-20, TR-10	Create separate use and performance standards for sports fields. Reconsider amendments to the Rural recreational establishment, outdoor use. Understand the amendment is on hold.	Long-term	clarify	clarify
11		Home Occupation		RC	Allow use as permitted accessory use in all districts that allow residential.	Quick Fix	no	M
12	13	Rural Resort/Rural Retreat	2-102 & 2-202	AR-1 AR-2	Consider combining into one use	Quick Fix	no	M
13		Accessory outdoor storage	3-803(C)	GB	Remove, definition includes outdoor storage, not accessory	Quick-fix	no	L
14	4, 9	Data Center Uses	3-803 and 3-903	GB & CLI	Add Data Center as a Permitted Use	Quick-fix	yes	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
15		Reduce required yards between other GB or Industrial uses	3-805(C) 1 thru 3	GB	Need large yards between like use? If adjoining other GB or industrial uses yards should be similar to other districts	Quick-fix	no	L
16	14	Make By Right: Warehousing; Motor Vehicle Rental; Storage, Mini warehouse	3-804(H), (R), (U)	GB	Based on permitted uses these should not need SE, can add performance criteria if necessary.	Long-term	yes	L
17		Remove "accessory to church"	3-804 (Z)	GB	If school is going to be allowed why does it need to be accessory to a church?	Quick-fix	yes	L (NS)
18	9	Move SE to permitted uses: Bank or financial institutions, Convention facility, Museum or Exhibition facility, Art Gallery, Personal Services Est. Add new uses: Tourism Center, Medical and professional care facilities & offices including in-patient, Hospice & assisted living facilities.	3-903(C),(E),(N), 3-904(A)(O)	CLI	Many of these uses are clearly commercial in nature and shouldn't have any problem blending within a CLI planned community.	Quick-fix (Requires creation of new definitions for those uses not already defined)	yes	M
19	9	Make By Right: Art Gallery; Bank or Financial Institution; Distribution Facility; Kennel, indoor; Motor vehicle sales; Personal Service Est; Private club or lodge; Restaurant; Retail sales est	3-904 (A), (C), (H), (J), (M), (O), (P), (S), (T)	CLI	Make SE uses by right, with performance standards if necessary.	Quick-fix (except for motor vehicle sales - keep as SPEX)	yes	M
20	9	add fast food restaurant as by right use	3-903	CLI	Add flexibility for mixed convenience centers consisting of service station, retail, and restaurant uses; sit down restaurant doesn't always work, so fast food offers a reasonable alternative.	Quick-fix	yes	M
21	9	Eliminate or reduce minimum lot size requirements for CLI properties	3-905(A)	CLI	Existing properties were created under older zoning ordinances & these minimums make it difficult for them to ever become conforming lots under the CLI ordinance thus limiting their potential for development; reduce lot size to 1 acre	Mid-Term: this & next 5 issues reviewed by DSA	yes	M
22	9	Increase the maximum lot coverage to 60%	3-906 (A)	CLI	45% is too restrictive if you want to encourage the best use of our scarce commercial land	Mid-Term (1)	yes	M
23	9	Building Heights in Excess of 45' to 55'	3-906(B)	CLI	Reduce additional setback requirements for buildings that exceed 45-feet in height.	Mid-Term (2)	yes	M

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
24	9	Increase building height base from 45 ft. to 55 ft	3-906 (B)	CLI	Encourages more vertical development including building over parking structures	Mid-Term (3)	yes	M
25	9	increase max height with setback requirements to 75 ft			Encourages more vertical development including building over parking structures	Mid-Term (4)	clarify	clarify
26	9	Increase base FAR to .5	3-906 (C)	CLI	Encourages higher density in the CLI zoning district	Mid-Term (5)	yes	M
27	9	Land Assemblage	3-906 (D)(1)(b)	CLI	Allow CLI property owners to submit joint applications without actually consolidating the lots into joint ownership.	Mid-Term	yes	M
28	9	Increase amount of accessory office	3-907(E)(1)	CLI	Current 20% limit too restrictive, increase to 40%	Long-term	yes	M
29	9	Increase accessory retail sales & personal service	3-907(E)(3)	CLI	Increase limit to a more reasonable 25%	Long-term	yes	M
30	9	Redefine accessory outdoor	3-907(E)(4)	CLI	Allow up to 25% of site area for outdoor storage, rather than 25% of GFA	Quick-fix	yes	M
31	9	CLI Access	3-907(F)	CLI	As currently interpreted, this clause only allows right-turn-in entrances, prohibiting exits of onto Route 50. This clause should be changed to "shall be limited to right-turn-in and right-turn-out entrances only as approved by VDOT".	Long-term	yes	M (NS)
32	9	add SFA and MF dwelling units as accessory use	3-909(H)	CLI	revise to permit SFA & MF as accessory uses in the CLI subject to performance standards – yet to be developed	Quick-fix	yes	M
33	8	MR-HI is really two districts	3-1001	MR-HI	Separate MR & HI into 2 districts since some uses are not dependent on MR industry	Long-term (DSA review district)	yes	L
34	8	Reduce minimum district size	3-1002	MR-HI	Reduce minimum district size for HI properties to eliminate non-conforming issues	Long-term	yes	L
35	8	motor vehicle sales	3-1003	MR-HI	add motor vehicle sales accessory to repairs	Quick-fix	yes	L
36	8	Remove SPEX use to permitted	3-1004(A)(B)(F)(G)(M)(O)(P)(T)(U)(V)(X)(BB)(EE)(FF)(GG)	MR-HI	Make SE uses by right, with performance standards if necessary.	Long-term	yes	L
37	8	Revise Lot requirements	3-1005	MR-HI	Reduce Size, Width, Depth, Length/Width, Yards, and reduce Yards between uses.	Long-term	yes	L
38	8	Increase Height	3-1006(B)	MR-HI	Permit 60' maximum height and increase to 120' with additional setbacks	Long-term	yes	L
39	7	Add to permitted uses in PD-OP	4-303	PD-OP	Add to permitted uses: hospital, outpatient medical care, fire/rescue station, school, gas pumps accessory, car wash, police station, auxiliary uses, personal service est. retail, auto service station			H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
40	2	Modification		All	Permit modification of district regulations by SPMI for all zoning districts, not just PD.	Mid-Term	yes	L
41	7, 9	Facilities for Lessons		CLI, PD-IP, PD-OP	Allow facilities for lessons and dance as by-right use	Quick-fix	yes	L
42	9	Dog Daycare	Article 3		Add use in variety of districts	Mid-Term	no	L
43		Flexibility to meet market conditions and demands	Article 4		Adopt Fairfax Corner model as basis for amended/new district for mixed use development	Long-Term	noted	noted
44		Standard, non-PD Districts			There should be more standard commercial and industrial zoning categories. Have graduated commercial districts to have more intense uses.	Long-Term	noted	noted
45	7	Expand permitted uses, (Uses supportive & complimentary)	4-503(N)	PD-IP	Increase complimentary uses such as personal service establishments, restaurants, hotels, convenience stores to provide amenities for tenants.	Quick-Fix (def) Long-term (compl uses)	yes	H
46	7	Addition of accessory sales	4-507	PD-IP	Industrial Zones should build in flexibility by allowing by right - associated/ancillary uses such as retail up to a certain % of space to allow wholesalers, contractors (ie kitchen counters, flooring), mfg with a showroom. similar to the industrial zones in Fairfax.	Long-Term	yes	H
47		Density Bonus- Larger land assembly			As for PD-MUB, allow bonus density for unified development and assembly of larger parcels- Arlington Model	Long-Term	clarify	clarify
48		Density Bonus- Child Care Centers	All commercial		Reward for convenient child care; create incentive for incorporation into development- Arlington Model	Long-Term	clarify	clarify
49		Density Bonus- Community Facilities	All commercial		Reward for Cultural Arts Center (community theatre) and create incentive for incorporating into development.	Long-Term	clarify	clarify
50	7	Allow Building Heights in Excess of 45'	4-206(C), 4-306(B), 4-406(B), 4-506(B), 4-606(B)	PD-GI, PD-IP, PD-RDP, PD-OP, PD-CC	Reduce add'l setback requirements for bdgs that exceed 45-feet in height to encourage monument type buildings and reduce overall bldg footprint/impervious surface associated with the desired FAR/overall sf.	Long-Term	clarify	H
51		Yards adjacent to roads in CC	4-205(C)(1)	PD-CC	Make the same for all (i.e.35' building, 25' parking), except for roads per 5-900	Quick-Fix	yes	L
52		Yards adjacent to ag and residential uses	4-205(C)(2)	PD-CC	100' is too restrictive, especially for NC and CC use, use graduated scale, 35' NC , 50' for CC	Quick-Fix	yes	L
53		Accessing regional centers	4-206(D)(4)	PD-CC	Doesn't make sense. You can't have direct access onto arterial road from individual lot.	Mid-Term	clarify	clarify

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
54	7	Private school accessory to church	4-304(S)	PD-OP	Why restrict private schools only as accessory to church when public schools allowed by SE as stand alone use	Quick-fix	no	L
55	7	Stand alone accessory uses require SE	4-303(F) & 4-304(F)	PD-OP	If certain accessory uses by right if in same building why require a SE if accessory uses is stand alone. Make pad sites by right also.	Long-Term	yes	L (NS)
56	7	Accessory uses	4-303(F), 4-307(A), 4-400	PD-OP PD-RDP	First section allows up to 20% of building to have accessory uses. Second section limits the land area for accessory uses to 5%. Why not make the limit be by sf regardless. Why limit the area of stand alone uses.	Long-Term	yes	M
57	7	Differentiation of uses (Telecommunication antenna; Telecommunication monopoles; Radio, radar and/or television tower)	4-303(Z)&(AA), 4-304(D)	PD-OP	Why make radio, radar and/or TV towers SE use when telecom antenna & monopoles are by right under certain circumstances	Quick-fix	yes	L
58	7	Repetitive SE uses (Auxiliary uses; Restaurant)	4-304 (F) &(N)	PD-OP	(F) says can have restaurant by SE as auxiliary SE use, so no need to restate it again in (N)	Quick-fix	no	M
59	7	Special Exception uses PD-OP	4-304	PD-OP	Hotel, Med. Care Fac.- outpatient only, Restaurant, Priv. School	Quick-fix	yes	H
60	7	Hotels as SE use	4-304(C)	PD-OP	Make hotels by right, expand performance standards if necessary	Quick-fix	yes	H
61	7	FAR Averaging	4-306(C)&4-506(C)	PD-OP PD-IP	Allow FAR averaging in PD-OP & PD-IP similar to Sec 4-401(D) RDP district. Allows greater flexibility to respond to market demands	Quick-fix	no	M
62		Need for Zoning District	4-400	PD-RDP	Is this district needed anymore? Originally created when the max FAR in PD-OP was .4. By including research uses a property owner could get a higher FAR. Since OP now allows these higher FARs why not eliminate this district and reman these areas to OP.	Long-term	yes	L (NS)
63	4, 7	Data Center Uses	4-303,4-400 & 4-500	PD-RDP, PD-IP, PD-OP	Add Data Center as a Permitted Use with performance standards	Quick-fix	yes	H
64	7	Remove restrictions/qualifiers for office; Conflicting & confusing provisions	4-500 4-503 4-504	PD-IP	Allow 100% office in PD-IP with special exception; 4-503(G)indicates you can only have office by right in certain locations. This is reinforced by 4-504(A). However in implementation this isn't the case. Remove 4-504(A). Move subparagraphs of 503(G) to 5-600 as performance standards.	Quick-fix	yes	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
65	7	SPEX uses PD-IP (Educational institution; Hotel/Motel/ Medical care facility); Medical Care Facility treat as Office	4-504 (C),(G) &(O)	PD-IP	Educational, Medical Care -Outpatient, Public and Private School; Treat Medical Care Facility as Office	Quick-fix	yes	H
66	other	Permitting Uses and maximizing building size to reduce typical PD-GI uses	4-603	PD-GI	PD-GI zoning is rare enough without further limiting its availability by allowing PD-IP uses. Compromising the zoning categories to maximum building sizes at the expense of the intended land use itself. The question is how important is it to preserve zoning that supports PD-GI uses around the airport	noted	noted	noted
67		Yard requirement excessive	4-605(B)(2)	PD-GI	100' building setback excessive, reduce to the same as parking setback 50'	Long-term	yes	H
68		Placement in ordinance	4-607(J)	PD-GI	This section should be moved to Chap 5 as performance standard.	Quick-fix	no	H
69		Minimum lot size too big	4-705(A)	PD-SA	Min lot size of 10 ac too large for many of the permitted & SE uses. Reduce to 1 ac.	Mid-Term	yes	L(NS)
70		Excessive building setback	4-705(B)(2)	PD-SA	Reduce 100' building setback to 50'	Long-Term	yes	L
71		Why SE for increased building height	4-706(B)	PD-SA	Why require SE for increased building height, should be bulk plane requirement like other districts	Quick-fix	no	L
72		Required yard too large	4-805(F)(1)	PD-TC	The Town Center is a more urban environment, so the setbacks from roads too great. Reduce to 10'.	Quick-fix	no	M
73		Scrivener's Error	4-806(B)	PD-TC	The bulk plane requirement refers to 35' when max heights allowed are 60' and 40' without bulk plane	Quick-fix	no	L
74		Civic use (use limitations)	4-808(H)	PD-TC	As this district should seek to promote the vertical integration of uses, the civic use should be a % of the building SF not land area. Ten percent is too much, 2% is more realistic.	Long-Term (definition, %, and % based on)	yes	L
75		Size of indoor recreation facility	4-1010(D)(3)&4-1111(D)	PD-TREC, PD-TRC	10,000 SF is too restrictive given the potential size of today's health clubs. Increase to at least 20,000 SF	Quick-fix (health & indoor rec 2 uses; move standards to 5-600)	yes	L
76		Landscaped open space & canopy coverage	4-800, 4-1000	PD-TC, PD-TREC	all two sections should be like 4-1116, allowing canopy coverage and landscaped open space to be calculated on a development wide basis.	Quick-fix	no	L

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
77		Use of private streets	4-800, 4-1000	PD-TC, PD-TREC	Due to the issues that meeting VDOT streets have on design flexibility, all uses should be allowed to front on private streets, similar to the provisions of 4-1121(B)	Quick-fix	no	L
78		Need for a CDP & FDP	4-1003 & 4-1103(B)&(C)	PD-TREC, PD-TRC	Need for both a CDP&FDP which lengthens processing time & cost. Combine into one or co-process.	Mid-Term	yes	L
79		SF of college or univ use	4-1004(A)(12)&1005(A)(3) & 4-1104(A)(10)&1105(A)(1)	PD-TREC, PD-TRC	Why require a college or Univ. to go through SE if over 50,000 SF?	Quick-fix	yes	L
80		Requirement of convention exhibit facility to be inside footprint of hotel & above or below 1st floor	4-1004(A)(16) & 4-1104(A)(16)	PD-TREC, PD-TRC	Requirement is too limiting for a desired use. Facilities are not designed this way.	Quick-fix	no	L
81		Parking Garages	4-1005(A)	PD-TREC	Add Commuter Parking Garage	Quick-fix	yes	L
82		No room for outdoor seating	4-1006(A)(1)	PD-TREC	There needs to be flexibility to have buildings more than 10' from front property line, if outdoor seating is provided for a permitted or SE use.	Mid-Term	yes	L
83		Min district size too large	4-1002(B)	PD-TREC	the 40 acre min. district size too large, as is incremental additions. Make min. district 25 acres, additions 10 acres	Mid-Term	yes	L(NS)
84		Eliminate restrictions in size	4-1004(A)(1), (12), (16), (18), (20), (29), (31), (32), (34), (37), (41)	PD-TREC	(1) eliminate restrictions in size or location and (2) make SE uses, such as school, stadium, food store and funeral home/mortuary by-right	Mid-Term	yes	L
85		Allow Mixed use on smaller sites	4-1350 and 4-800	PD-MUB and PD-TC	Allow mixed use on smaller sites; reduce minimum size.	Quick-fix	yes	L
86		Airport Impact Overlay District	4-1400	AI	Confirm that the overlay boundaries reflect the current flight path/runway configurations	Mid-Term	yes	H(NS)
87	5	FOD	4-1505	FOD	(1) Allow SWM/BMPs and parking in major floodplain and allow density credit for major floodplain on site; (2) allow more development in FOD	(1) Quick-fix; (2)Mid-Term	yes	L(NS)
88		Limestone Overlay District	4-1900	LOD	Remove technical requirements associated with boring depths, etc and place in FSM with other like technical studies and associated requirements	Remove from ZO and put into FSM	done	

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
89		Mixed Use and vertical integration of uses	Article 4		Allow for mixed use and vertical integration of uses including multifamily	Long-term	clarify	clarify
90		Parking Garages in Transit Related Districts	Article 4		Permit parking garages in transit related districts	Quick-fix	issue	L
91		Administrative process or SPEX to go from PD-IP to PD-OP			Create easy streamlined process to go from PD-IP to PD-OP	Long-term	no	H
92		Add Outdoor Amphitheater to permitted uses	4-1004	PD-TREC		Mid-Term	yes	L
93		FAR			Increase maximum FAR above 1.0 in mixed use developments	Mid-Term	clarify	clarify
94	7	Expand permitted uses	4-307(A) and 4-503	PD-OP and PD-IP	Increase amount of accessory uses such as personal service establishments, restaurants, hotels, convenience stores to provide amenities to attract tenants; add retail as accessory.	Quick-fix	yes	H
95		Child Care Center and Church Uses	4-803	PD-TC	Disconnect between fringe and core uses; listed as both permitted and SPEX use in the fringe.	Quick-fix	no	L
96	7	Convenience Store/Auto Service Station	4-504	PD-IP	Car wash is SPEX and "car wash accessory to food store" and "gas pumps accessory to convenience food store" are both SPEX uses. However, "convenience food store" isn't listed as permitted	Quick-fix	no	L
97	7	Dog Daycare	Article 4		Add use in variety of districts	Mid-Term	no	L
98	14	Home Occupation	Article 4		Allow use as permitted accessory use in all districts that allow residential.	Quick-fix	no	M
99		Motorcycle Sales	4-600	PD-GI	Add motorcycle sales or revise definition of "motor vehicle sales" to include motorcycles.	Quick-fix	no	M
100		Research and Development Park	4-401(C)&(D)	PD-RDP	Review whether sections are inconsistent w/4-406, Building Requirements. Group RDP together and consider elimination of district.	Long-term	yes	L
101	6	Temporary Special Events	5-500(C)(6)		Add provision to permit Bed & Breakfast Homestay/Farmstay, Bed & Breakfast Inn, and Country Inn to receive annual special event permit for the total number of allowed events in a calendar year.	Mid-Term (REDC to draft holistic change)	no	H
102	6	Temporary Special Events	5-500(C)(7)		Allows 20 special events with number greater than those within the Bed & Breakfast regulations of 5-601. Also removes requirement for 14 days to elapse between temporary zoning permits and allows for one permit application with one fee . Note: this affects any site that hosts special events, not just Bed & Breakfasts or Country Inns.	Mid-Term (REDC to draft holistic change)	yes	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
103	6	Temporary Special Events	5-500(E)(2)		Inserts reference to annual permit proposed to be permitted under 5-500(C)(7).	Mid-Term (REDC to draft holistic change)	no	H
104	6	Bed & Breakfast Homestay/ Farmstay New Use	5-601 (A)(6)(a)		Create new use, Bed and Breakfast Homestay, and additional standards for 1-6 guest rooms, no minimum lot size.	Mid-Term (REDC to draft holistic change)	yes	H
105	6	Bed & Breakfast Inn	5-601(A)(2)		Bed & Breakfast Inns shall be subject to Virginia food service regulations and sanitary regulations for hotels.	Mid-Term (REDC to draft holistic change)	yes	H
106	6	B&B Homestay/ Farmstay and B&B Inn Weddings and Parties For Profit	5-601 (A)(3)		Allow for-profit activities without temporary permit for up to 50 attendees on up to 5 acres; up to 100 attendees on more than 5 acres.	Mid-Term (REDC to draft holistic change)	yes	H
107	6	B&B Homestay/ Farmstay and B&B Inn Weddings and Parties For Profit	5-601 (A)(3)		Allow 20 for-profit events for more than the permitted attendees by annual temporary zoning permit.	Mid-Term (REDC to draft holistic change)	yes	H
108	6	B&B Homestay/ Farmstay and B&B Inn Weddings and Parties For Profit	5-601 (A)(3)		Remove requirement for proof of necessary approvals to accompany temporary permit application from county agencies, such as Health Department and Fire Department.	Mid-Term (REDC to draft holistic change)	yes	H
109	6	Bed & Breakfast Homestay/ Farmstay and Bed & Breakfast Inn Owner must reside on premises	5-601 (A)(1)		Require owner to reside on premises when occupied by guests (delete manager)	Mid-Term (REDC to draft holistic change)	yes	H
110	6	B&B Inn New Use	5-601(A)(6)(a)		Create new use, Bed and Breakfast Inn and additional standards for 7-10 guest rooms, no minimum lot size.	Mid-Term (REDC to draft holistic change)	yes	H
		combined with No. 99						
		combined with No. 98						
111	6	B & B Homestay/ Farmstay and B&B Inn Time elapse between events	5-601(A)(3)		Eliminate requirement for two weeks to elapse between larger events, as most events are held in just four months of the year.	Quick-fix	yes	H
		delete						
		delete						
112	6	B&B Homestay/Farmstay and B&B Inn FAR	5-601(A)(6)(b)		Eliminate FAR maximum requirement	Mid-Term (REDC to draft holistic change)	yes	H(NS)

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
113	6	B&B Homestay/Farmstay and B&B Inn Landscaping/Buffer/Screening	5-601(A)(6)(c)		Eliminate Landscaping/Buffering/Screening Requirements	Mid-Term (REDC to draft holistic change)	yes	H(NS)
114	6	Bed & Breakfast Homestay/ Farmstay and Bed & Breakfast Inn Parking	5-601(A)(6)(d)		Remove loading parking space requirement; remove requirement for dust free surface	Mid-Term (REDC to draft holistic change)	no	H
115	6	Bed & Breakfast Inn Exterior Lighting	5-601(A)(6)(e)		Eliminate requirement that exterior lighting is only for security purposes. Permit shielded porch lights and shielded pole lights up to 8 feet in height.	Mid-Term (REDC to draft holistic change)	yes	H(NS)
116	6	B&B Homestay/ Farmstay and B&B Inn Noise	5-601(A)(6)(f)		Specify noise regulations include facility, grounds or outbuildings.	Mid-Term (REDC to draft holistic change)	no	H
117	6	Country Inn For-profit weddings and parties	5-601(B)(2)		Allow up to 150 guests at for-profit activities without requirement for temporary zoning permit.	Mid-Term (REDC to draft holistic change)	yes	H
118	6	Country Inn For-profit weddings and parties	5-601(B)(2)		Allow 20 for-profit events for more than the permitted attendees by temporary zoning permit.	Mid-Term (REDC to draft holistic change)	yes	H
119	6	Country Inn For-profit weddings and parties	5-601(B)(2)		Remove requirement for proof of necessary approvals to accompany temporary permit application from county agencies, such as Health Department and Fire Department.	Mid-Term (REDC to draft holistic change)	yes	H
120	6	Country Inn Time elapse between events	5-601(B)(2)		Eliminate requirement for two weeks to elapse between larger events, as most events are held in just four months of the year.	Mid-Term (REDC to draft holistic change)	yes	H
121	other	Rural Uses	5-626 & 5-627		Little acknowledgement or deference paid to common agricultural practices. Can be discouraging agricultural uses	clarify	noted	noted
122	13	Stables & Equestrian Uses	5-627 & 5-630		Why are there so many categories of stables and equestrian facilities? Process difficult to build 20 stall stable. Why are 5-627 and 5-630 so rigorous and onerous?	Mid-Term	no	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
123	13	Additional Regulations	5-600		Most of the Section 5-600 Additional Regulations pertaining to rural economic uses contain standards for acreage, number of visitors, number of vehicles, floor area, lot coverage, setbacks, buffers, driveway types, and hours of operation. These should be standardized to the extent practical, to be more accommodating to mixed uses as well as to be less confusing. Prepare a matrix and compare.	Mid-Term	no	H
124		Setback from arterial road	5-900(A)(9) & (14)		The regulations in (9) create a min setback from Rt 50, an arterial road, of 100' for bldgs and 75' for parking. 5-900(14) should be modified to be more liberal: (1) allow reductions of rear setbacks & buffer yards (2) allow min of 110' for development (60' for two-bay parking, 40' for bldg depth, and 10' for s/w & landscaping between prkg and bldg), (3) exempt or allow liberal mods for ex non-conforming bldgs & prkg lots so owners are encouraged to upgrade & maintain sp, so properties do not become derelict: (a) allow minor expansion & improvements of bldg and prkg areas, incl paving of prkg areas (b) allow change-in-use w/o requiring site to be brought into compliance (i.e. retail could change to office) (c) apply mod to landscaping & buffering reqmts as well as setbacks.	Mid-Term	yes	clarify
125		Reduce setbacks along major highways	5-900		Showcase commercial development versus hiding from view of major transportation corridors.	Quick-fix	yes	M
126		Parking	5-1100		Office and Business Reduce to 3/1000- More mixed use, more pervious	Quick-fix	no	H
127	6	Parking - Bed & Breakfast	5-1102(B)(1)(3)		Add to residential parking requirements reference to read: bed and breakfast homestay/farmstay, bed and breakfast inns.....	Quick-fix	yes	M
128	other	Signage in right of way	5-1200		Illegal signage is against VA Code 33.1-369. Current ordinances under section 5-1200 allow for permits to be issued to businesses (and others) to legally place signs outside the right of way, on private property with the permission of the owner. Any changes to these ordinances will NOT allow signage in the right of way regardless of the ordinance.	not Zoning Ordinance issue	noted	noted
129		Sign measurement	5-1200		Area measured by area of lettering only on free standing	Quick-fix	yes	L
130		Signage	5-1200		"Coming Soon"- 1 year limit- Name of GC?	Mid-Term	yes	L(NS)
131		Signage	5-1200		Base size on speed limit of frontage road.	Mid-Term	yes	L

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
132		signage	5-1200		Make changes to sign regulations to allow greater sign visibility for arts.	Long-Term	no	L
133	11	Age of trees for calculating canopy coverage	5-1303(A)&(B)		Sec 15.2-961 of the State Code says age of trees for calculating canopy coverage should be 20 years. The County should not be using the more restrictive 10 year age.	Quick-fix	yes	L
134		Employment minimum use percentage is restrictive for smaller MUB's and may not fit in all locations	4-1355	PD-MUB	40% is too restrictive for smaller MUB's and isn't practical in many locations. Reduce 20% for applications under 50 acres and allow mix of uses and phasing to be market driven removing the requirement that "Employment Uses shall always have the largest percentage of floor area in the district"	Quick-fix	yes	L(NS)
135		Location of plaza	4-1355(B)	PD-MUB	The placement of open space plaza area should be design driven. No proof that surrounding a plaza with building is the best design strategy.	Mid-term	yes	M
136		Building designs surrounding the central plaza	4-1355(B)(iv)	PD-MUB	Remove design requirement "commercial uses on the first floor and a mix of uses on the floors above for all buildings surrounding the plaza". No evidence that this is the best way to design a plaza	Mid-term	yes	M
137		Vertical mix of uses too restrictive	4-1355(C)	PD-MUB	50% is too restrictive. Vertically mixing uses within the same building can be problematic for some uses. Should be market and design driven	Mid-term	yes	M
138		Increase residential density maximum to R-24	4-1357(B)	PD-MUB	Projects with predominance of smaller unit sizes, such as studio flats, 1-BR w/ or w/o den may benefit from increased residential densities. Higher densities may also help smaller projects reach the critical unit numbers to attract quality apt owners/operators.	Mid-term	yes	M
139		Move some landscaping to FSM	5-1403, 5-1404, 5-1407, 5-1413 & 5-1414(C)		Technical in nature, move to FSM	Quick-fix; refer to FSM	yes	L
140	12	Buffer yard width	5-1414(B)(2)		Buffer yard width should not have to be wider then required setbacks.	Mid-Term	yes	L(N/S)
141	5	Steep slopes	5-1508(B)(2)		Add text saying man-made steep slopes from activities such as quarrying and stock piling of stone/earth for rock crushing & earthmoving operations, are exempt from these provisions.	Quick-fix	no	H
142	5	Steep Slopes	5-1508(D)(1)		Permit some land disturbance activities within very steep slopes; increase 5,000 sf limit; reduce burden of proof	Quick-fix	no	L

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
143	5	Steep Slopes	5-1508		Remove applicability to Eastern Loudoun as instances are primarily manmade (i.e. stockpiles, road grades, etc.) and overall site grading eliminates risks and safety factors	Mid-Term	clarify	L(N/S)
144		Unnecessary landscaping			Requirement to buffer between all uses assumes parking and buildings are unattractive when should showcase buildings.	Quick-fix	clarify	clarify
145		Accessory Building	5-100		Delete criteria from definition and move to 5-100. Increase max size for commercial and industrial uses.	Quick-fix	no	M
146		Accessory Use	5-102(F)		Modify ownership requirements to allow accessory use/structure to be operated by third party (ie. Child care and monopolies)	Quick-fix	yes	L
147	13	Conference & Training Centers (level 4)	5-640(A)		References 5-1300, should be 6-1300.	Quick-fix	no	L
148	13	Contractor Service Establishment	5-600		Add standards for use. Move standards from definition to 5-600.	Quick-fix	no	M
149		Temporary Uses	5-500		Clarify meaning of development as it related to temp uses such as sales trailer	Quick-fix	no	L
150	13	Health and Fitness Center	5-600		Create performance standards for use; move standards from definition	Quick-fix	no	L
151		Home Occupation	5-400		Add to list of permitted accessory uses and eliminate from individual zoning districts	Quick-fix	no	M
152	13	Home Service Establishment	5-600		Create performance standards for use; move standards from definition	Quick-fix	no	L
153	13	Mill Feed and Farm Supply Center	5-600		Add standards for use. Move standards from definition to 5-600.	Quick-fix	no	M
154	13	Nursery, commercial	5-605		Remove standards from definition and create performance standards 5-605.	Quick-fix	no	M
155	13	Outdoor storage	5-600		Create standards for use.	Quick-fix	no	H
156	13	Outdoor storage, accessory	5-600		Create standards for use.	Quick-fix	no	H
157	13	Personal Service Establishment	5-600		Remove standards from definition and create performance standards in Article 5-600	Quick-fix	no	M
158	13	Restaurant	5-643		Revise standards to include JLMA-2.	Quick-fix	no	L
159	13	Small Business	5-614		Move standards from definition. In 5-614(C) reference to 5-614(H) needs to be changed to reference 5-614(F). 5-614(D) conflicts w/Section 2-102 & 2-202. 5-614(D) requires full SPEX for lots smaller than 10 ac AR-1 & AR-2 while those sections call for a SPML.	Quick-fix	no	M

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160	13	Sports fields			Create separate use and performance standards for sports fields.	Long-term	no	M
161		Signage	5-1200		Signage issues; sign in ROW; size of rural sign	Mid-Term	yes	M
162	13	Monopoles	5-618		Permit monopoles in variety of districts with performance standards for location, height, etc. Allow taller monopoles in order to reduce number	Long-term	yes	M
163	1	Annual Review	6-400		The Zoning Ordinance needs to add provisions for ongoing reviews by ZORC.	Quick Fix	no	H
164	2	Inactive applications	Article 6		Amend to be more definitive as to when an application goes from inactive to "dead/withdrawn/closed"; provide certainty	Quick-fix	no	L
165	10	Site Plans	6-702		Requirement to include prior approved proffers, SE notes, conditions, etc with submission of each plan, is burdensome & redundant. The inclusion of data to show proffer compliance for an entire 1,000 acre development when you are the last few land bays being developed is redundant and burdensome.	Quick Fix	yes	H(NS)
166		Site Plans - Rural	6-700 & FSM		The site plan criteria needs to be revised so as to include only that minimal information necessary to ensure that the use will meet County zoning and land development standards, eliminating such courtesies as vicinity maps, etc.	Send to FSM	no	H
167	6	Site Plans - Bed & Breakfast Homestay/Farmstay and Bed & Breakfast Inn	6-700		Exempt Bed & Breakfast Homestay/Farmstay and Bed & Breakfast Inn from requirement to obtain a site plan.	Quick Fix	yes	H
168		Exemption from permit fees	6-1000		In order to encourage solar installations, exempt them from permit fees. Allow contractors to obtain a permit by "walking it through" in a single day.	Long Term	no	L
169	other	Simple ZRTD process	6-1200		ZRTD should be easy	Send to Rt 28	noted	noted
170	2	SPEX/ZMAP process	6-1200		The rezoning and special exception process needs to be completely re-designed.	Process	noted	H
171	2	Text Amendment Processed with applications	6-1200		Allow text amendments with applications	Process	yes	H
172	2	Notice requirements	6-1200 and 6-1300		Loudoun County has greater notice requirements than required by Virginia Code	Quick Fix	no	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
173	2	SPEX Plat Content	6-1300		Allow more "concept" less detail on the SE plat so applications won't have to be refiled when they make minor adjustments	Quick Fix	yes	H
174	2	Checklist Time Frame	6-1304, 6-1203		Reduce checklist review from 4 weeks to 1 week	Quick Fix	no	H
175	2	Reduce Acceptance Review Period/checklist process	6-1300		Reduce acceptance review period to 15 days; shorten checklist review period.	Quick Fix	no	H
176	2	Special Exception Timeline	6-1305		Condense process so it can be achieved in 90 days	Quick Fix	no	H
177	2	Special Exception Issues List	6-1310		Consolidate/Reduce list of "issues to be addressed" in the Zoning Ordinance - currently there are 20	Quick Fix	no	H
178	2	Scheduling of Public Hearings	6-1200 and 6-1300		Commit to public hearing date upon application; provide list of dates w/"intro letter"	Quick Fix	yes	M
179	2	Checklist Content	6-1300		Reduce submission requirement for SE to make it less costly and complicated for the average business.	Process	no	H
180	2	Zoning Concept Plan Detail	6-1508		Return to "Bubble Plans" at Zoning stage to avoid having to do ZCPA's for minor changes	Process	yes	H
181	2	ZCPA/Proffer Amendment Process	6-1511		Permit changes to approved CDP's or proffers by minor SE & expand situations upon which ZA can modify administratively	Process	yes	H
182	2	Modification to Proffers	6-1511		Administrative zoning modification to proffers provided density not affected	Process	yes	H
183	2	Period of Validity	6-1313		Increase period of validity	Quick Fix	no	L
184		Zoning Permit	6-1000		Don't require zoning permit for chicken coops, run in sheds and other typical small farm buildings located on farms with farm plans	Quick Fix	yes	L
185		Site Plan	6-700 & FSM		Complicated process with associated expenses to revise site plan.	Mid-Term	noted	H
186	13	Expand definition	Article 8		Indicate that "cultivation of plants" includes the growing of plants in containers for at least one full growing season.	Quick Fix	no	L
187	13	Commercial nursery	Article 8		Indicate that "cultivation of plants" includes the growing of plants in containers for at least one full growing season.	Quick Fix	no	L
188	13	Parking Garages	Article 8		Add Definitions for Parking Garage (facility/structure) and Commuter Parking Garage	Quick Fix	no	L
189	13	Parking garage	Article 8		Clarify. Should parking garages be treated as buildings or as parking areas in terms of required setbacks or yards	Quick Fix	clarify	clarify

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190	4, 13	Definition of Data Center	Article 8		See definition: Data Center. A data center or other facilities used to house computer systems and associated components, such as telecommunications and storage systems, coding systems, power supplies and systems for managing property performance (including generators), and equipment used for the transformation, transmission, distribution or management of electricity (including substations), internet-related equipment and services, data communications connections, environmental controls and security devices, structures and site features and related uses.	Quick Fix	no	H
191	6, 13	B&B Homestay/ Farmstay	Article 8		Create definition for Bed and Breakfast Homestay/Farmstay that is owner-occupied for 1-6 guest rooms on no minimum acreage.	Quick Fix	yes	H
192	6, 13	Bed and Breakfast Inn	Article 8		Create definition for Bed and Breakfast Inn for 7-10 rooms on no minimum acreage.	Quick Fix	yes	H
193	13	Performing Arts Center	Article 8		Expand definition of Performing Arts	Quick Fix	no	L
194	13	Civic Use	Article 8		Revise to be consistent in all zoning districts	Quick Fix	no	L
195	13	Rural Recreational Establishment, Outdoor	Article 8		Remove paintball from rural zoning.	Long-Term	yes	H
196	13	Winery	Article 8		Check if percentage of structure allowed for tasting room is sufficient. Currently 25%.	Mid-Term	no	H
197	13	Vineyard	Article 8		Look at how vineyards are defined - not agriculture, but horticulture.	Mid-Term	noted	noted
198	13	Accessory Building	Article 8		Delete criteria from definition and move to 5-100. Increase max size for commercial and industrial uses.	Quick Fix	no	L
199	6	Bed and Breakfast	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	H
200	6	Bed and Breakfast Homestay	Article 8		B&B Homestay permitted in TR but not defined; add definition to Article 8.	Quick Fix	no	H
201	13	Business Service Establishment	Article 8		Add provision for 20% of GFA for retail sales associated with the business; move to 5-600, not definition; increase %	Mid-Term	clarify	H
202	13	Coffee/Teahouse	Article 8		Delete standards from definition b/c in 5-641. Consider adding to other districts.	Quick Fix	no	L
203	13	Commercial Vehicle	Article 8		Create definition	Quick Fix	no	L
204	13	Contractor Service Establishment	Article 8		Remove standards from definition and create performance standards 5-600.	Quick Fix	no	M

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205	13	Gas/Auto Service/Convenience w/Gas	Article 8		Create new definition that combines convenience store with gas, auto service station in order to reflect current use	Quick Fix	no	M
206	13	Country Inn	Article 8		Delete standards from definition as located in 5-600.	Quick Fix	no	M
207	13	Craft Shop	Article 8		Delete standards from definition as located in 5-600.	Quick Fix	no	M
208	9, 13	Dog Daycare	Article 8		Add definition and provide for use in variety of districts	Quick Fix	no	M
209	13	Development	Article 8		Add definition	Quick Fix	no	H
210	13	Educational Institutions	Article 8		Conflict in definition. Definition includes secondary school which per LCPS is HS, but definition says "beyond HS".	Quick Fix	no	H
211	13	Farm Market	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	M
212	13	Farm Market (off-site production)	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	M
213	13	Food Store	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	M
214	13	Health and Fitness Center	Article 8		Remove standards from definition b/c already in 5-600.	Quick Fix	no	M
215	13	Home Occupation	Article 8		Add definition of "hand crafted" as used in 5-400	Quick Fix	no	L
216	13	Home Service Establishment	Article 8		Remove standards from definition and create performance standards 5-600.	Quick Fix	no	M
217	13	Mill Feed and Farm Supply Center	Article 8		Remove standards from definition.	Quick Fix	no	M
218	13	Motorcycle Sales	Article 8		Add motorcycle sales or revise definition of "motor vehicle sales" to include motorcycles.	Quick Fix	no	H
219	13	Motor Vehicle Service and Repair, Heavy	Article 8		Remove standards from definition and create performance standards 5-600.	Quick Fix	no	L
220	13	Motor Vehicle Service and Repair, Light	Article 8		Remove standards from definition and create performance standards 5-600.	Quick Fix	no	L
221	13	Nursery, commercial	Article 8		Remove standards from definition and create performance standards 5-605.	Quick Fix	no	L
222	13	Outdoor Storage and Outdoor Storage, accessory	Article 8		Remove standards from definition and create performance standards	Quick Fix	no	L
223	13	Performing Arts Theatre, Performing Arts Center, Theatre, Indoor, and Theatre	Article 8		Add definition or revise Performing Arts Center and Performing Arts Theatre, Theatre, Indoor, and Theatre. Review all uses and combine if logical.	Mid-term	no	L
224	13	Personal Service Establishment	Article 8		Remove standards from definition and create performance standards in Article 5-600	Quick Fix	no	M
225	13	Restaurant	Article 8		Review various definitions of restaurant (carry-out, fast food, farm, etc)	Mid-term	no	M
226	13	Retail, Construction Establishment	Article 8		Remove standards from definition and remove reference to SPEX	Quick Fix	no	L

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227	13	Retail Sales Establishment	Article 8		Remove standards from the definition and remove reference to SPEX	Quick Fix	no	L
228	13	Rural Resort/Rural Retreat	Article 8		Similar definitions; consider combining definition and use lists	Quick Fix	no	H
229	13	Small Business	Article 8		Remove standards from definition and move to 5-614.	Quick Fix	no	L
230	13	Storage Yards	Article 8		Reconcile the definition with the performance standards.	Quick Fix	no	L
231	other	Make properties under 5 ac eligible for ag land use if acreage on property is devoted to ag production that is earning in excess of the \$1,000 gross income requirement	Agricultural District requirements?		The reality of the higher value, direct market crops that Loudoun's farmers are now producing means that putting a 5 ac requirement on land use is no longer a sound policy. There are many properties under that acreage in production with crops like berries, wine grapes, and vegetables that exceed the income requirement and that income earned on much larger properties with "traditional" crops. State code allows this change, and Loudoun should allow smaller acreage parcels into the land use program.	not an Ordinance requirement; recommend referral to Ag District Mgr	noted	noted
232	other	Funding for extension office and Dept of Econ Develop			Not a regulation, but funding MUST remain in place for the few support services the county supplies for ag in the form of the extension office and economic development. Without these resources, all "regulation" could be removed and there would be a massive barrier to getting information and education out to producers on the ground. Farmland already returns to the county far more in tax revenue than it takes in services, so the few services it requires in return are critical.	comment; no action	noted	noted
233	other	Uses permitted in major FOD			Give more information, suggestions and options, and not just a process to follow, that can generate a lot of different interpretations, and spending of time and money. Wouldn't it be easier and more efficient just to mention what options will work and what won't?	not an Ordinance requirement; administrative issue	no	M
234	other	Rt 28			New Zoning must apply to all of Loudoun including Rt, 28 tax district	recommend referral to Rt 28	noted	noted
235		new Ordinance construction			Don't refine the process but start over. Review ALL uses - by right and SPEX to determine which are relevant and compatible with today's uses. This effort should not be to justify what we have. Don't de-facto add performance standards where the SE process is removed. It may be appropriate in some cases	Long-term	noted	noted
236	other	site plans	Site plan/FSM		A step by step process site plan approval list be provided.	administrative issue	no	H

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
237	other	Review occupancy permit process			The Occupancy Permit processes need examination to determine if the process of opening or relocating a business is business friendly.	recommend referral to Permitting	no	H
238	other	Permitting process			Ability to download permit applications (ie - building, zoning) and ability to apply online.	recommend referral to Permitting	no	H
239	other	Rural comment			It's taken years for Western Loudoun to develop "DC Wine Country"—an approach supports business & tourism AND preserve the rare natural beauty of this land. Don't mess this up by opening the garden gate to predatory development.	comment; no action	noted	noted
240	other	Development Review Committee			Reinstate the Development Review Committee Meeting & invite senior staff and the District PC member to meeting. This could help reduce issues raised late in the process by staff that result in delay and interruption in the review process.	recommend referral to Planning Dept.	no	M
241	other	Staff Team/Meeting			Utilize the Staff Team/Meeting approach to application review that is currently utilized for expedited review.	recommend referral to Planning.	yes	H
242	other	Uses permitted on map			Quick reference search to identify zoning uses by keying in specific address.	recommend referral to Mapping	no	H
243	other	Branding of Loudoun	All commercial/mixed use		Allow for uses that "brand" Loudoun (ie Wine and equestrian) to be in open space areas along major corridors.	recommend referral to Rt 28	yes	clarify
244		Comprehensive Plan and Zoning Ordinance don't match			Comprehensive Plan and Zoning Ordinance don't match	long-term	noted	noted
245		Allow for new, contemporary uses			Inclusionary zoning ordinance needed to allow contemporary uses. Ordinance contorted to make new uses fit.	long-term	noted	noted
246		Use past waivers/modification requests as baseline for amendments			Determine which waivers or modifications are consistently requested. Use this as a baseline for amendments.	long-term	noted	noted
247	2	Rezoning Process			Should be different rezoning process if application complies with the Comprehensive Plan	long-term	no	M
248		Transferable Development Rights			Allow for transferable development rights like Arlington.	long-term	noted	noted
249		Ordinance construction			Adopt form based code	long-term	noted	noted

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
250		Flexibility and conflicts			Review Ordinance construction PD vs. Euclidian zoning	long-term	noted	noted
251	other	Matrix of Uses/SPEX			Bring back list of uses and where they are permitted or SPEX	administrative issue	no	H
252	other	Geotechnical Requirements			Consider differing site plan requirements, for garages than for office buildings. A geotechnical soils report was required to build garage which was overkill.	recommend referral to Engineering	clarify	L
253	other	Site Plans			May be helpful to have an outline/information of what is needed from various departments in the County when submitting site plans.	administrative issue	no	H
254	other	Visitor economic impact			Visit Loudoun Annual Report states economic impact from leisure visitors to Loudoun County totaled \$13,165,108 including visits to B&Bs, equine events, historic properties, farm tours, artists studios, farm markets, restaurants. Tourism generated direct visitor spending of \$1.4 billion.	comment; no action	noted	noted
255		Use of existing buildings			Allow and encourage adaptive reuse of agricultural buildings for other commercial uses i.e. exterior still looks like a barn, etc but inside could be offices, data centers or other small business compatible with the neighborhood and scenic views.	long-term	no	M
256		Use of vacant property			Allow for more opportunities to convert vacant property into useful businesses.	REDC to review	yes	M
257	other	Easements			Look at the way Fairfax County requires or requests easements for natural surface equestrian and pedestrian trails	recommend referral to FSM	noted	noted
258		Migrant workers			Allow for less stringent requirements for housing migrant or temporary workers.	long-term	yes	NS
259	other	Temporary business permits			Consider allowing temporary business permits for start ups with full requirements in a one or two year period.	not Ordinance related	yes	L(NS)
260	other	Business expansion			It is difficult to expand existing businesses.	comment; no action	noted	noted
261	other	Change of use			Difficulty in changing buildings if use changes.	comment; no action	clarify	clarify

No	Priority List #	Issue	Ordinance Sec	District	Comment	Bin: Quick Fix, Mid-Term, Long-Term	Staff Concern*	Biz Impact**
262	other	Caution with amendments			Be aware of potential damage done by removing setbacks, building height requirements, etc. What does the County lose by the changes?	comment; no action	noted	noted
263	other	Land use			Allow parcels of less than 5 acres that produce over \$1,000 per year to be in land use. This may require an ordinance change (not necessarily a Zoning Ordinance change).	recommend referral to Ag District Mgr	noted	noted
264	other	Business expansion			Existing business with 20 employees may leave county because of difficulty in going through process to expand.	comment; no action	noted	noted
265	3	Assistance throughout the process			Consider creating an ombudsman position within the county to help small business through the maze of county requirements and avoid excessive costs by having to redo applications.	recommend referral to Econ Devil	noted	H
					COMMENTS NOT SUBMITTED THRU STAKEHOLDER MEETING			
266		utility substation	4-1353	PD-MUB	With the described purpose and intent of PD-MUB, it seems appropriate to allow for the supportive infrastructure necessary for the business sector			
267		congregate housing facility	4-1200 & Article 8	PD-RV	expand use of conservancy lots; expand definition of "congregate housing facility" to include housing for unwed mothers; consider a commercial use rather than residential			
268	9	medical office	3-903	CLI	There is no reason Medical Office shouldn't be permitted as for PD-OP, especially with the growing population and the HCA hospital coming to the corridor.			

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE

July 17, 2012

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors adopted a Workplan on February 14, 2012, to review the Revised 1993 Loudoun County Zoning Ordinance to develop Zoning Ordinance Amendments (ZOAM) for the stated purpose of advancing commercial development throughout the County with the overall objective being to encourage a more business-friendly environment; and

WHEREAS, the Board of Supervisors has provided additional direction and prioritization of such Amendments on June 19, 2012, and hereby wishes to provide further direction and prioritization in accordance with this Resolution on July 17, 2012; and

WHEREAS, pursuant to said Workplan, a Stakeholders Group identified over 260 issues and concerns in regard to current County regulations and processes that impact commercial and industrial development in the County and presented those issues, including a list of 14 priority issue topics, to the Board of Supervisors on June 19, 2012;

WHEREAS, the Board of Supervisors has examined the 14 priority issue topics identified by the Stakeholders Group and wishes to initiate amendments to Articles 3, 4, 5, 6, and 8 of the Revised 1993 Loudoun County Zoning Ordinance to address certain priority issue topics identified by the Stakeholders Group.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance to adopt new, and revise existing, provisions in regard to certain matters, to include, without limitation, the following:

1. Amend Section 3-900 et seq., Commercial Light Industry (CLI), to add new Permitted and Special Exception Uses, and reclassify certain uses from Special Exception Uses to Permitted Uses;
2. Amend Section 3-1000 et seq., Mineral Resource-Heavy Industry (MR-HI), to add new Permitted and Special Exception Uses, reclassify certain uses from Special Exception Uses to Permitted Uses, separate the MR-HI zoning district's regulations into subcategories based on characteristics of uses, revise certain lot and building requirements, and relocate certain requirements considered to be performance standards to Section 5-600, Additional Regulations for Specific Uses;
3. Amend Section 4-300 et seq., Planned Development-Office Park (PD-OP), to add new Permitted and Special Exception Uses, reclassify certain uses from Special Exception Uses to Permitted Uses, revise certain lot and building requirements, including provisions regarding calculation of Floor Area Ratio (FAR), and revise the maximum percentage of floor area of a building that certain accessory uses are permitted to occupy;
4. Amend Section 4-500 et seq., Planned Development-Industrial Park (PD-IP), to add new Permitted and Special Exception Uses, reclassify certain uses from Special Exception Uses to Permitted Uses, revise certain lot and building requirements, and revise the maximum

- percentage of the total allowable floor area of an industrial park that certain uses which are supportive and complementary to existing permitted and principal uses may not exceed;
5. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to insert and add requirements that are being deleted from the definitions of certain uses in Article 8 Definitions, and relocated to Section 5-600, because such requirements are considered to be performance standards;
 6. Amend Section 5-1300 et seq., Tree Planting and Replacement, to revise from 10 years to 20 years the period of maturity within which the required minimum tree canopy shall be provided;
 7. Amend Section 5-1400 et seq., Buffering and Screening, to revise required minimum buffer yard width under certain conditions, such as when a lesser required minimum setback, yard, or building restriction line width is present;
 8. Amend Section 6-600 et seq., Notice Required for Public Hearings, to revise the minimum requirements for written notice for public hearings, including deletion of the required written first notice (21-day letter), to be in conformance with the minimum requirements for written notice under the *Code of Virginia*;
 9. Amend Section 6-702, Site Plan Requirements, to revise the required materials to be submitted as part of the initial submission for any type of site plan application, and/or delete these requirements from the Zoning Ordinance and relocate them to the Facilities Standards Manual;
 10. Amend Section 6-1200 et seq., Zoning Amendment, and 6-1300, Special Exception, to permit modifications to certain regulations of non-Planned Development zoning districts, revise the requirements for Review of Application, Staff Review of Application, and Amendments to Application, including revising review timelines, and revise the required Issues for Consideration, matters required to be considered by the Planning Commission, and required detail for Concept Development Plans and Special Exception Plats;
 11. Amend Article 8, Definitions, to delete requirements considered to be performance standards from the definitions of certain uses and relocate such deleted requirements to Section 5-600, Additional Regulations for Specific Uses, and create new, and revise existing, definitions as necessary to implement the foregoing amendments; and
 12. Amend such other sections of the Revised 1993 Loudoun County Zoning Ordinance as may be necessary to fully implement and maintain consistency with the foregoing amendments and achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED that the Board of Supervisors (1) finds that these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) directs staff to prepare draft amendments for consideration, and (3) directs that the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

STAKEHOLDER DRAFTS

- Section 3-900 CLI
- Section 3-1000 MR-HI
- Section 4-300 PD-OP
- Section 4-500 PD-IP
- Section 5-1300 Landscaping, Buffering
- Section 5-1414(B) Buffer Yards
- Section 6-702 Site Plan Requirements

ATTACHMENT 4

Section 3-900

CLI - Commercial Light Industry.

- 3-901 Purpose.** The purpose of the CLI district is to accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50/John Mosby Highway Corridor. The CLI district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The CLI district is intended to generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor. The district may allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.
- 3-902 Size and Location.** The CLI district is mapped only along the eastern end of Route 50 as depicted on the Zoning Map. The rezoning of land to CLI in other areas of the County shall not be permitted.
- 3-903 Permitted Uses.** The following uses shall be permitted in the CLI district subject to the requirements and performance criteria of these regulations:
- (A) Adult day care facility, pursuant to Section 3-907(F).
 - (B) Animal hospital.
 - (C) Animal Day Care Facility
 - (D) Bakery, commercial.
 - (E) Business service establishment, pursuant to Section 3-907(F).
 - (F) Child care center, pursuant to Section 5-609(B) and Section 3-907(F).
 - (G) Church, synagogue and temple.
 - (H) Conference or training center, pursuant to Section 3-907(F).
 - (I) Dwelling, single family attached or multi-family, accessory to permitted or special exception uses, pursuant to Section 5-6.
 - (J) Educational institution, pursuant to Section 3-907(F).
 - (K) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(H).

- (L) Facility for providing lessons in dance, martial arts and similar activities.
- (M) Fire and/or rescue station.
- (N) Flex industrial uses, pursuant to Section 5-608.
- (O) Funeral home or mortuary.
- (P) Health and fitness center, pursuant to Section 3-907(F).
- (Q) Hotel/Motel, 75 rooms or greater, pursuant to Section 5-611 and Section 3-907(F).
- (R) Mass transit facilities.
- (S) Medical care facility, outpatient only, pursuant to Section 3-907(F).
- (T) Nursery, commercial.
- (U) Office, administrative, business and professional, pursuant to Section 3-907(F).
- (V) Park, public.
- (W) Police Station.
- (X) Post office, drop off and pick up.
- (Y) Postal service, including overnight mail distribution facility.
- (Z) Printing service.
- (AA) Public utility service center, without outdoor storage.
- (BB) Research, experimental, testing or development activities.
- (CC) Sewer pumping station.
- (DD) Telecommunications antenna, pursuant to Section 5-618(A).
- (EE) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (FF) Utility substation, dedicated.
- (GG) Utility substation, distribution, pursuant to Section 5-616.

- (HH) Veterinary service.
- (II) Warehousing facility.
- (JJ) Water pumping station.
- (KK) Wholesale trade establishment.
- (LL) Data Center.
- (MM) Art Gallery.
- (NN) Bank or Financial Institution, pursuant to Section 5-659.
- (OO) Distribution Facility.
- (PP) Kennel, indoor, pursuant to Section 5-606.
- (QQ) Motor vehicle service and repair, light.
- (RR) Museum of Exhibition Facility.
- (SS) Personal service establishment.
- (TT) Private club or lodge.
- (UU) Restaurant.
- (VV) Retail sales establishment.

3-904

Special Exception Uses. The following uses may be permitted by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300. In addition, the uses listed below shall be developed in accordance with Section 3-907(F) and all other applicable performance criteria.

- (A) ~~Art Gallery~~
- (B) Automotive Service Station.
- (C) ~~Bank or Financial Institution, pursuant to Section 5-659.~~
- (D) Convenience food store with or without gas pumps.
- (E) Convention Facility.
- (F) Car wash.

- (G) Contractor Service Establishment.
- (H) ~~Distribution Facility.~~
- (I) Heliport or helistop.
- (J) ~~Kennel, indoor, pursuant to Section 5-606.~~
- (K) Motor vehicle rental.
- (L) Motor vehicle sales.
- (M) ~~Motor vehicle service and repair, light.~~
- (N) ~~Museum or Exhibition Facility.~~
- (O) ~~Personal service establishment.~~
- (P) ~~Private club or lodge.~~
- (Q) Public utility service, with outdoor storage.
- (R) Radio, radar and/or television tower.
- (S) ~~Restaurant.~~
- (T) ~~Retail sales establishment.~~
- (U) Sewage treatment plant.
- (V) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (W) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (X) Utility substation, transmission, pursuant to Section 5-616.
- (Y) Utility transmission lines, overhead.
- (Z) Water storage tank.
- (AA) Water treatment plant.

3-905

Lot Requirements.

- (A) **Size.** ~~Two (2)~~ One (1) acres minimum.
- (B) **Width.** 200 feet minimum.

(C) **Depth.** 200 feet minimum.

(D) **Yards.**

(1) **Adjacent to Roads.** Except where a greater setback is required by Section 5-900, thirty five (35) feet for building; twenty five (25) feet for parking.

(2) **Adjacent to Parcel Boundaries.**

(a) **With Other Nonresidential Districts.** 25 feet minimum, buildings; 10 feet minimum, parking lot, loading unloading areas, and areas for the collection or storage of refuse. The Zoning Administrator may waive the parking lot yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.

(b) **With Residential Districts.** 25 feet minimum. No building, parking lots, loading/unloading areas, outdoor storage, or areas for the collection or storage of refuse shall be permitted in any required yard adjacent to a residential zoning district.

3-906 Building Requirements.

(A) **Lot Coverage.** ~~45~~ 60 percent maximum.

(B) **Building Height.** ~~45~~ 55 feet maximum. The maximum building height may be increased provided that one (1) foot is added to each of the required yard setbacks for each additional one (1) foot of building height up to a maximum of (~~55~~ 100) feet total height. Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.

(C) **Base Floor Area Ratio.** 0.30 maximum.

(D) **Adjusted Base Floor Area Ratio.**

(1) The base floor area ratio in the CLI district may be increased on certain parcels by approval of the Zoning

Administrator, upon demonstration of one or more of the following:

- (a) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the *Code of Virginia*, 1950 as amended) if:
 - (i) Such properties are not located at an existing median break of such road; and
 - (ii) The owner(s) of such properties permanently relinquish direct access to such road; and
 - (iii) The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses. Such shared access agreements shall remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement. The shared access agreement shall be depicted on the site plan(s) for the subject parcels and shall include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation Services and VDOT.
- (b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the *Code of Virginia*, 1950 as amended) if the owner(s) of such properties consolidates such properties for development purposes with a contiguous parcel of land or when owner's file a unified plan for development which, when so combined or unified, total at least 20 acres.

- (c) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 feet along the road.

- (2) The density increase can be granted singly or cumulatively.

3-907

Performance Criteria. The purpose of the following sections is to achieve a design whereby buildings are located, oriented and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the district as a principal gateway into Loudoun County.

- (A) **Transportation Design.** Transportation elements shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features. Left-turn storage and right turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. To the maximum extent feasible, land development applications shall identify opportunities and methods for shared access and inter-parcel linkages.

- (B) **Buffering and Screening.** Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas and service areas for loading and unloading and for storage and collection of materials, supplies, and/or refuse and garbage, shall be screened so that such areas are not visible from any public right-of-way and/or residential use. Areas for the collection and storage of refuse and outdoor storage areas shall be fully enclosed by a structure composed of opaque materials. Such materials shall be compatible with those used in the exterior construction of the principal building.

- (C) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .10 times the buildable area of the lot.
- (D) **Off-Street Parking and Loading Facilities.** All off-street parking spaces shall be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve. No off-street parking or loading facilities shall be located in required landscaped yards. Off-street parking areas shall, to the maximum extent feasible, be located to the rear of the buildings.
- (E) **Accessory Uses.** The following accessory uses shall be permitted in the district:
- (1) Administrative office for permitted and/or special exception uses, not to exceed ~~20~~ 40 percent of the floor space of the principal use.
 - (2) Warehousing, indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals.
 - (3) Retail sales and personal service uses for permitted and/or special exception uses, not to exceed ~~40~~ 25 percent of the floor space of the principal use.
 - (4) Outdoor storage for permitted and/or special exception uses, not to exceed 25 percent of the gross ~~floor-lot area of the principal use~~. No storage of any kind shall be permitted within any required yard.
 - (5) Restaurant and restaurant carry-out.
- (F) **Access Limitation for Certain Uses.** For the uses listed in Section 3-903 as being pursuant to this section and all uses listed in Section 3-904, direct access to a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) shall be limited to right-turn-in and out entrances only as approved by VDOT. Prior to approval of site plan for these uses, owner's must agree to relinquish direct access rights to such primary highway, at no cost to the County or VDOT, when alternative access to the site becomes available.
- (G) **Vehicular Access and Circulation.** Primary access and through vehicular traffic impacting residential neighborhoods shall be

avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.

- (H) **Pedestrian Access and Circulation.** Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic and to enable safe and convenient pedestrian access to all buildings, parking and other facilities. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments. Land development applications shall delineate the on-site pedestrian system and provide connections to such systems in adjacent developments as well as public networks, if applicable.
- (I) **Utility Requirements.** All utility distribution lines in the CLI district shall be placed underground.
- (J) The following uses shall not be permitted:
 - (1) Alcoholic beverage manufacturing.
 - (2) Ammonia, bleaching powder or chlorine manufacture.
 - (3) Blast furnace.
 - (4) Boiler works.
 - (5) Chemicals and acid manufacture or storage.
 - (6) Distillation of coal, wood or bones.
 - (7) Distillation of turpentine or varnish.
 - (8) Dye works.
 - (9) Emery cloth manufacture.
 - (10) Fertilizer manufacture.
 - (11) Fireworks.
 - (12) Fish canning, curing, grinding or smoking.
 - (13) Garbage incineration other than in municipal plants.
 - (14) Glue, size or gelatin manufacture.

- (15) Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, animal refuse, rancid fats or refuse of dead animals.
- (16) Iron, steel or copper works, foundries or smelting facilities.
- (17) Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.
- (18) Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.
- (19) Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.
- (20) Pyroxylin or celluloid manufacture.
- (21) Pulverizing of charcoal or coal.
- (22) Soap manufacture.
- (23) Stockyards.
- (24) Tanning, curing or storing of raw hides or skins.
- (25) Tetra-ethyl lead precipitate liquid manufacture.
- (26) Vinegar manufacture.
- (27) Wool pulling and scouring.
- (28) Material recovery facility.
- (29) Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.

(K) Uniform Landscaping for Front Yard Areas Adjacent to a Primary Highway.

- (1) All parcels with frontage on a primary highway (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) shall include landscaping in accordance with the Type 5 Buffer Yard in Section 5-1414(B)(1).

(L) Compatibility. Architectural treatment of buildings, to include materials, color, and style, shall be compatible with buildings

located within the same project. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.

- (M) **Building Orientation.** The front façade and principal public entrance of all buildings shall be oriented toward an adjacent public street.
- (N) **Screening of Mechanical Equipment.** Mechanical equipment, whether ground level or rooftop, shall be in accordance with Buffer Yard Type 3, screened from view from adjacent properties and public rights-of-way and designed to be perceived as an integral part of the principal building. For the purposes of this section, mechanical equipment shall include, but not be limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet shall be equal to the top of the highest mechanical unit but shall not exceed the maximum height allowed in the district by more than 3 feet.

STAKEHOLDER DRAFT

Section 3-1000

MR-HI Mineral Resource - Heavy Industry.

- 3-1001 Purpose.** This district is established in order to protect the mineral resources, primarily diabase rock, of the County for possible future economic development, to provide for diabase resource extraction operations at appropriate locations and under controlled conditions; to locate with quarries compatible heavy industrial uses; to permit continued agricultural practices, and to permit residential and other uses only to the extent that they may be compatible with resource extraction. This district is to be applied as a long term, but interim, district, recognizing that areas devoted to resource extraction may and should be converted, ultimately, to other compatible and beneficial uses consistent with the Comprehensive Plan.
- 3-1002 Size and Location.** Except for those districts mapped to MR-HI concurrently with the adoption of this Ordinance, the minimum district size for this district shall be six hundred (600) acres. Contiguous additions of not less than ten (10) acres shall be allowed when approved pursuant to Section 6-1200. The district is to be established in areas contemplated as appropriate for resource extraction use in the Comprehensive Plan.
- 3-1003 Permitted Uses.** The following uses are permitted in this district:
- (A) **Mineral Resource Extraction and Processing (MREP) uses:**
 - (1) Gravel mixing plant.
 - (2) Manufacturing of concrete block, cinderblock or pre-formed concrete products, accessory to an approved quarry use.
 - (3) Extraction of mineral resources, pursuant to Section 5-6__.
 - (4) Sawmill or wood processing facility.
 - (5) Concrete mixing plant.
 - (6) Crushing, treating, washing, and/or processing of materials, accessory to a quarry operation, when conducted on the same property.
 - (7) Material recovery facility, pursuant to Section 5-607(D).
 - (B) **Other uses:**
 - (1) Agriculture, horticulture, forestry, or fishery.

- (2) Animal Day Care facility
- (3) Nursery, commercial.
- (4) Country club.
- (5) Fruit processing or storage.
- (6) Fairground.
- (7) Storage, for coal, lumber, building material, contractor equipment, and similar material.
- (8) Warehousing facility.
- (9) Wholesale trade establishment.
- (10) Bakery, commercial.
- (11) Business service establishment.
- (12) Contractor service establishment with accessory outdoor storage.
- (13) Distribution facility.
- (14) Dwelling, single-family, accessory to permitted or special exception uses.
- (15) Heavy equipment and special vehicle repair.
- (16) Manufacture, processing, fabrication and/or assembly, distribution of products, such as, but not limited to: Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage.

- (17) Motor vehicle service and repair, heavy, accessory to an approved principal use.
- (18) Outdoor sales area, accessory.
- (19) Park.
- (20) Veterinary service.
- (21) Animal hospital.
- (22) Outdoor storage, vehicles.
- (23) Water pumping station.
- (24) Utility substation, dedicated.
- (25) Retail sales of crushed stone or architectural stone products, accessory to an approved quarry use.
- (26) Sewer pumping station.
- (27) Utility substation, distribution, pursuant to Section 5-616.
- (28) Storage, outdoor accessory.
- (29) Motor vehicle service and repair.
- (30) Motor vehicle storage and impoundment.
- (31) Telecommunications antenna, pursuant to Section 5-618(A).
- (32) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (33) Telecommunications tower, pursuant to Section 5-618(C)(1).
- (34) Storage of empty solid waste vehicles and containers.
- (35) Fire and/or rescue station.
- (36) Golf course.
- (37) Kennel.
- (38) Police Station.

3-1004

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

(A) **MREP uses:**

- (1) Automobile graveyard or junk yard.
- (2) Crushing, treating, washing and/or processing of materials, pursuant to Section 6-13__.
- (3) Manufacturing of concrete block, cinderblock or pre-formed concrete products.
- (4) Solid waste incinerator, landfill or transfer station.
- (5) Stone quarrying, pursuant to Sections 5-6__ and 6-13__.
- (6) Borrow pit for road construction.
- (7) Storage, bulk gasoline, petroleum products and natural gas, small and large.
- (8) Utility generating plant or transmission facility.
- (9) Vegetative waste management facility.

(B) **Other uses:**

- (1) Cemetery, mausoleum and memorial park.
- (2) Utility transmission lines, overhead.
- (3) Sewage treatment plant.
- (4) Utility substation, transmission, pursuant to Section 5-616.
- (5) Water treatment plant.
- (6) Automotive service station.
- (7) Commuter parking lot.
- (8) Dry cleaning plant.
- (9) Firearm range, indoor.
- (10) Heavy equipment and specialty vehicle sales.

- (11) Mass transit facilities and stations.
- (12) Storage, mini-warehouse.
- (13) Printing service, plant.
- (14) Water storage tank.
- (15) Crematorium.

3-1005 Lot Requirements.

(A) **MREP uses:**

- (1) **Size.** 3 acres minimum, exclusive of major floodplain.
- (2) **Width.** 300 feet minimum fronting on Class I roads; 200 feet fronting on Class II roads or private access easements.
- (3) **Depth.** 500 feet minimum.
- (4) **Length/Width Ratio.** 3.5 times lot width maximum.
- (5) **Yards.** No structure or use shall be located within fifty (50) feet of any property line.
- (6) **Development Setback From Major Roads.** In designing industrial development, the requirements of Section 5-900 shall be observed.

(B) **Other uses:**

- (1) **Size.** 1 acre, exclusive of major floodplain.
- (2) **Width.** 100 feet minimum fronting on Class I, Class II or private roadways.
- (3) **Depth.** No minimum.
- (4) **Length/Width Ratio.** None.
- (5) **Yards.**
 - (a) **Front Yard.** 30 feet minimum.
 - (b) **Side Yard.** 15 feet minimum, except where abutting zoning district is not MR-HI, in which case minimum side yard will increase to 50 feet.

- (6) **Development Set from Major Roads.** Pursuant to the requirements of Section 5-900.

3-1006 Building Requirements.

- (A) **Lot Coverage.** 50 percent maximum.
- (B) **Building Height.** Forty-five (45) feet maximum for all buildings except non-habitable structures associated with a **MREP** operation. Such structures are permitted by right to 120 feet in height provided they are set back from property lines and district boundaries an additional setback of two (2) feet for each one (1) foot in height above forty (40) feet. Such structures require special exception approval for heights in excess of 120 feet.
- (C) **Floor Area Ratio.** .75 maximum.

3-1007 Use Limitations.

- (A) **Prohibited Uses.** No uranium mining or well water fields are permitted in this district.
- (B) **Nonresidential Uses.** For adjacent properties, no commercial, industrial or other nonresidential building shall be located within fifty (50) feet from the property line of an existing and/or approved quarry operation.
- (C) **Outdoor Storage.** No storage of any kind shall be permitted within any front yard.
- (D) **Utility Requirements.** All utility distribution lines in the MR-HI district shall be placed underground.

Move to 5-600

(E) **Mineral Resource Extraction Operations (MREO) Uses.**

- (1) The pit wall of a **MREO** shall be a minimum of 1000 feet from the MR-HI district boundary, except in the following situations:
- (a) Where **MREOs** are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town, the minimum distance from the quarry pit wall to the district boundary may be reduced to a minimum of 200 feet as a result of

special exception approval, which assures such reduction is compatible with adjacent land uses.

- (b) Where **MREOs** are adjacent to a public road of four (4) or more lanes, or to a road designated as a part of an approved VDOT or County corridor study or identified in the Comprehensive Plan to be four (4) or more lanes, the distance may be reduced to not less than 200 feet, provided an effective buffer is constructed and maintained.
 - (c) Where **MREOs** are adjacent to the GB district, the setback may be reduced to a minimum of 200 feet.
 - (d) Where **MREOs** are adjacent to the PD-GI or CLI district, the setback may be reduced to a minimum of 50 feet.
- (2) Structures and buildings enclosing processing equipment associated with **MREOs**, including crushers, conveyors, washers and screeners, shall be located a minimum of 500 feet from the district boundary, except where **MREOs** are adjacent to land not under County zoning authority, such as Dulles Airport or an incorporated town. In such cases, the distance may be reduced to a minimum of 200 feet as a result of special exception approval which assures abutting lands are adequately buffered from the processing operations.
- (3) Other structures and buildings related to **MREOs**, including scale houses and storage yards, shall be located a minimum of 200 feet from the district boundary. Such structures shall also be located a minimum of 100 feet from all public roads within the district. Provided, however, that where such structures are adjacent to the GB, CLI or PD-GI districts, the setback may be reduced to a minimum of 50 feet.
- (4) Buildings devoted solely to office and administrative uses shall be a minimum of 50 feet from the district boundary.

Move to 6-13__

3-1008

Stone Quarrying Special Exception Permit Applications. The establishment of any new stone quarrying operations, or the expansion of any existing stoning quarrying operations beyond previously granted approvals, require Special Exception approval and are subject to issuance of a special exception by the Board of Supervisors in accordance with Section 6-1300. In addition to the requirements of Section 6-403, all applications for stone quarrying uses shall be accompanied by the following items:

- (A) Five (5) copies of a plat prepared by an engineer or surveyor licensed by the State, drawn to a scale of 1" = 200'. Such plat shall show:
 - (1) The boundary of the entire tract by meter and bounds.
 - (2) Development limits and topography in contour intervals of five (5) feet or less, including locations of water courses, of the part of the tract that is proposed to be used for the operations set forth in the application, and of the contiguous area within 500 feet of such proposed limits or such greater distance as may be specified by the Zoning Administrator.
 - (3) Means of vehicular and emergency access to the proposed use indicating the proposed type of surface treatment.
- (B) One (1) aerial photograph, at a scale of 1" = 200', and certified as flown not earlier than six (6) months prior to the date on which the application is submitted. The area covered by such photo shall include:
 - (1) All land included in the application and within 2,000 feet of the area covered by the application, and
 - (2) All contiguous land which is now, is planned to be, or has been used by the applicant for such use or a related use.
- (C) A depiction, based on the official zoning records of Loudoun County, of the zoning of all parcels within the same area covered by the aerial photograph required in Section 3-1008(B)(2).
- (D) A conceptual description of the proposed operation describing the anticipated location, process, equipment and scale of the proposed operation including all special exception and accessory uses.

(E) A transparent overlay, at the same scale and covering the same area as the aerial photograph required in Section 3-1008(B)(2) depicting the location, limits and approximate square footage of the following items:

- (1) Area of any known previous, currently active and proposed excavation.
- (2) Area of active and proposed settling ponds and washing facilities.
- (3) Areas of existing and proposed crushing or treatment facilities.
- (4) Areas of existing and proposed storage of extracted material.
- (5) Areas of existing and proposed production facilities or resource related uses.
- (6) Location and type of any existing and proposed erosion control, stormwater management and BMP facilities.
- (7) Location and type of structures, fencing and security measures or other appropriate safeguards to prevent access by unauthorized persons.
- (8) Location and type of buffering of adjacent land uses to be provided pursuant to Section 5-1400 of this Ordinance.

(F) A plan for operation demonstrating the feasibility of the operation proposed without hazards or damage to other properties by reason of increased flooding or undesirable rise or reduction in ground water levels, erosion caused by increased rate of flow or redirection of flow in flood channels, deposits of debris from flood or erosion, excessive slopes remaining at cuts or fills, or undermining or creation of settlement in adjoining areas.

(G) A plan for restoration of the site, prepared by an engineer or surveyor licensed by the State. The plan for restoration shall demonstrate conceptually the method by which the property, in its entirety, will be returned to a state suitable for re-use for purposes permissible in the district. Among items to be included in such plans are vehicular circulation patterns in and around the site, the treatment of exposed soils or subsoil in order to make the property suitable for the proposed re-use, treatment of slopes to prevent

erosion and delineation of floodways and floodplains (if any) to be maintained in open usage. In such plans for re-use, where conditions are suitable, permanent lakes, water impoundment or recreational facilities may be permitted. The format and level of detail required by the Virginia Department of Mines and Minerals for a restoration plan shall be acceptable as an initial submission. The County shall have the right to request such additional information as it deems necessary.

- (H) A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting and bringing law enforcement to the property during the term of any permit which may be issued.
- (I) A hydrogeological report and a Type II detailed geotechnical report including an assessment of the depth of overburden and the effects of the proposed resource extraction on the water table and local wells.
- (J) As a condition of approval, the applicant may be required to post with the County a bond in an amount to be set by the Board of Supervisors. If required, such bond shall be with surety satisfactory to the Board of Supervisors. The bond shall be conditioned upon restoration in accordance with the approved restoration plan within 360 days following the expiration of the special exception. The bond shall be accompanied by an instrument in writing granting, to the County or its officers, agents and employees, a right to enter the property which is the subject of the special exception for the purpose to inspect of any restoration if required.
- (K) An environmental report describing existing environmental conditions, assessing the environmental impacts of the proposed use on the site and properties within two thousand (2000) feet of the proposed uses, and depicting proposed mitigation measures.

STAKEHOLDER DRAFT

Section 4-300

PD-OP Planned Development - Office Park.

4-301 Purpose. A Planned Development - Office Park district is established primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height, and careful attention to such aesthetic considerations as location and size of signs, lighting, parking and service areas and the like.

4-302 Size and Location. When mapped, the district shall be no less than five (5) acres and shall be located:

- (A) On arterial or collector roads.
- (B) In areas served by public water and sewer facilities.
- (C) In areas compatible with other commercial development.
- (D) As envisioned in the Comprehensive Plan.

Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-OP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-303 Permitted Uses. The following uses shall be permitted in any PD-OP district, subject to the requirements and limitations of these regulations:

- (A) Office, administrative, business and professional.
- (B) Bank or financial institution, pursuant to Section 5-659.
- (C) Commuter parking lot.
- (D) Health and fitness center.
- (E) Office, medical and dental.
- (F) ~~The following accessory uses shall be permitted provided they are located in the same building as the permitted principal uses primarily served, and provided they occupy in the aggregate not more than twenty percent (20%) of the floor area of such building:~~
 - (1) ~~Central reproduction and mailing services, and the like.~~

- (2) ~~Quick print shop.~~
- (3) ~~Restaurant, including carry out, but excluding drive-through.~~
- (4) ~~Establishments for sale of office supplies and service of office equipment.~~
- (5) ~~News stand.~~
- (6) ~~Pharmacies pursuant to Section 5-659, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances shall be permitted in buildings containing optical establishments or clinics.~~
- (7) ~~Personal service establishment.~~
- (G) Post office.
- (H) Adult day care center.
- (I) Educational institution.
- (J) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (K) Printing service.
- (L) Agriculture, horticulture, forestry, and fishery.
- (M) Business service establishment.
- (N) Conference or training center.
- (O) Library.
- (P) Park.
- (Q) Public utility service center, without outdoor storage.
- (R) Radio and television recording studio.
- (S) Research, experimental, testing or development activities.
- (T) Utility substation, dedicated.

- (U) Water pumping station.
- (V) Sewer pumping station.
- (W) Utility substation, distribution, pursuant to Section 5-616.
- (X) Church, synagogue and temple.
- (Y) Child care center, pursuant to Section 5-609.
- (Z) Telecommunications antenna, pursuant to Section 5-618(A).
- (AA) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (BB) Training Facility.
- (CC) Hospital, pursuant to Section 5-610.
- (DD) Hotel/Motel, pursuant to Section 5-611.
- (EE) Medical care facility, outpatient only.
- (FF) Fire and/or rescue station
- (GG) Facility for lessons such as but not limited to dance, gymnastics, judo, exercise studio and sports training.
- (HH) School, public and private.
- (II) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.
- (JJ) Car Wash.
- (KK) Police Station.
- (LL) Data Center, pursuant to Section 5-661
- (MM) The following accessory and auxiliary uses shall be permitted on a stand-alone basis or located in the same building as the permitted principal uses primarily served, provided they occupy in the aggregate not more than forty percent (40%) of the floor area of such building or forty percent (40%) of the total FAR for the development, whichever is applicable.
- (1) Central reproduction and mailing services, and the like.

- (2) Quick print shop.
- (3) Restaurant, including carry-out and drive-through.
- (4) Establishments for sale of office supplies and service of office equipment.
- (5) News stand.
- (6) Pharmacies pursuant to Section 5-659, laboratories, testing, engineering, and research, and establishments for the production, fitting or sale of optical or prosthetic appliances shall be permitted in buildings containing optical establishments or clinics.
- (7) Personal service establishment.
- (8) Retail
- (9) Automobile service stations.

4-304

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to conditions pursuant to the provisions of Section 6-1300.

- (A) Heliport, helistop.
- (B) ~~Hospital, pursuant to Section 5-610.~~
- (C) ~~Hotel/Motel, pursuant to Section 5-611.~~
- (D) Radio, radar and/or television tower.
- (E) ~~Medical care facility, outpatient only.~~
- (F) ~~Uses auxiliary to permitted principal uses on a stand-alone basis such as, but not limited to, restaurants including carry out, and drive-through facilities, personal service establishments, banks and financial institutions, and automobile service stations.~~
- (G) Utility substation, transmission, pursuant to Section 5-616.
- (H) Utility transmission lines, overhead.
- (I) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (J) ~~Fire and/or rescue station.~~

- (K) Golf course.
- (L) Mass transit facilities and stations.
- (M) ~~Personal service establishment.~~
- (N) ~~Restaurant.~~
- (O) Sewage treatment plant.
- (P) Water treatment plant.
- (Q) Water storage tank.
- (R) ~~Facility for lessons in dance, gymnastics, judo, and sports training.~~
- (S) ~~School, private, accessory to a church.~~
- (T) ~~Gas pumps accessory to a convenience food store, pursuant to Section 5-617.~~
- (U) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (V) ~~Police station.~~
- (W) ~~School, public.~~

4-305

Lot Requirements.

- (A) **Size.** One (1) acre minimum, exclusive of major floodplain.
- (B) **Yards.**
 - (1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.
 - (2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than ~~(100)~~ 50 feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking

shall be permitted closer than fifty ~~(50)~~ 35-feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas. When a PD-OP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-OP, the setback required in (B)(3) below shall apply.

- (3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.

(4) **Yards Between Buildings.**

- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances may be within such yards. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least (25) feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-306

Building Requirements.

- (A) **Lot Coverage.** ~~40~~ .60 maximum for the district.

- (B) **Building Height.** Forty-five (45) feet provided that a building may be erected to a maximum height of (100) feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each ~~one (1)~~ ten (10) foot of height that it exceeds the forty-five (45) foot limit. The additional setback associated with an increased building height does not apply to those buildings subject to Section 5-900.
- (C) **Floor Area Ratio.** .60 maximum; up to 2.0 maximum by Special Exception. A building may be constructed in excess of the .60 FAR within the district; however, the overall district FAR approval cannot exceed .60.

4-307

Use Limitations.

- (A) ~~**Accessory Uses.** Accessory uses exclusive of parking shall not occupy more than five percent (5%) of the land area of the individual lot.~~
- (B) **Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuter parking may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.
- (C) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such open space shall be landscaped and maintained in accord with Section 5-1400.
- (D) **Utility Requirements.** All utility distribution lines located on PD-OP zoned land shall be placed underground. This requirement does not apply to existing aerial utility lines along the peripheral of the parcel/development area.
- (E) **Site Planning.** Within any PD-OP district, landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses.

(F) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance.

- (1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

STAKEHOLDER DRAFT

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Section 4-500 PD-IP Planned Development - Industrial Park.

- 4-501 Purpose.** The district is established for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.
- 4-502 Size and Location.** PD-IP districts shall be located in areas served by one or more major arterial or collector roads, by public water and sewer, and consistent with locations identified in the Comprehensive Plan for industrial use. When mapped, the district shall be no less than twenty (20) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-IP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.
- 4-503 Permitted Uses.** The following uses shall be permitted in any PD-IP district, subject to the requirements and limitations of these regulations.
- (A) Adult day care center.
 - (B) Agriculture, horticulture, forestry, or fishery.
 - (C) Commuter parking lot.
 - (D) Distribution facility.
 - (E) ~~Facility for scheduled lessons such as: dance, gymnastics, judo and sports training.~~ Facility for lessons such as but not limited to dance, gymnastics, judo, exercise studio and sports training.
 - (F) Flex industrial use, pursuant to Section 5-608.
 - (G) Office, administrative, business and professional, ~~(i.e. office uses) provided:~~
 - (1) ~~Office uses are an integral design element of a site plan for an industrial site or park containing not less than 40,000 square feet of gross floor area; and~~
 - (2) ~~Office uses shall be located no further than 100 feet from the setback, as established by Section 5-900, of an arterial or major collector road; and~~
 - (3) ~~Office uses shall be the prominent features when viewed from adjacent roadways; and~~

- (4) ~~Other permitted uses may be co-located with office uses, provided such uses do not have frontage or direct access to an arterial or major collector road and will not exceed forty (40) percent of the gross floor area of the total land area of the industrial site or park; and~~
- (5) ~~Parking may be located in the side and rear yards and in no case shall parking be located between the building and the arterial or major collector road. On a corner or through lot, there shall be only one front yard as established by Section 1-205(C); and~~
- (6) ~~Buildings which contain office uses shall contain two stories or more.~~
- (H) Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchases glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.
- (I) Post office.
- (J) Radio and television recording studio.
- (K) Recycling drop off collection center, small, pursuant to Section 5-607.
- (L) Research, experimental testing, or development activities.
- (M) Wholesale trade establishment.
- (N) Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants ~~excluding~~ including drive-throughs, business service establishments, personal service establishments, health and fitness centers, and automobile service stations, not to exceed a total of ~~five percent (5%)~~ twenty five percent (25%) of the total allowable floor area of the industrial park shown on a concept development plan.
- (O) Bakery, commercial.

- (P) Bank or financial institution, pursuant to Section 5-659.
- (Q) Dwelling, accessory to a permitted or special exception use.
- (R) Printing service.
- (S) Warehousing facility, pursuant to Section 4-507(E).
- (T) Auction house.
- (U) Business service establishment.
- (V) Health and fitness center.
- (W) Park.
- (X) Postal service, including overnight courier collection and overnight mail distribution facility.
- (Y) Restaurant, ~~carry-out only~~.
- (Z) Water pumping station.
- (AA) Utility substation, dedicated.
- (BB) Conference or training center.
- (CC) Sewer pumping station.
- (DD) Utility substation, distribution, pursuant to Section 5-616.
- (EE) Church, synagogue, temple or mosque.
- (FF) Motor vehicle service and repair, light.
- (GG) Telecommunications antenna, pursuant to Section 5-618(A).
- (HH) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (II) Funeral home, pursuant to Section 5-658.
- (JJ) Training Facility.
- (KK) Interactive Science & Technology Center.
- (LL) Outdoor Storage, Accessory up to 10% of gross ~~floor area of principal use~~ lot area.

- (MM) Contractor service establishment, ~~excluding retail sales and outdoor storage.~~
- (NN) Recreation establishment, outdoor or indoor, ~~provided:~~ .
- (1) ~~Parking areas for recreation establishments shall be designed to enhance the safety of children as they arrive at and leave the facility; and~~
 - (2) ~~Recreation establishments shall include a designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children and shall be located in proximity to the recreation establishment in such a way that provides safe and clearly designated access to enter or exit the facility.~~
- (OO) Convenience Store
- (PP) Civic, social, fraternal association meeting place.
- (QQ) Educational institution.
- (RR) Hospital, pursuant to Section 5-610.
- (SS) Hotel/Motel, pursuant to Section 5-611.
- (TT) Data Center
- (UU) Medical care facility.
- (VV) Child care center, pursuant to Section 5-609(B).
- (WW) Fire and/or rescue station.
- (XX) Automotive service station.
- (YY) Car wash.
- (ZZ) Personal service establishment.
- (AAA) Gas pumps, accessory to a convenience food store, pursuant to Section 5-617.
- (BBB) School, public and private.
- (CCC) Police station.
- (DDD) Motocycle or ATV rental, repair and associated service.

(EEE) Animal hospital.

(FFF) Telecommunications monopole, pursuant to Section 5-618(B)(2).

4-504

Special Exception Uses. The following uses may be approved by the Board of Supervisors pursuant to the provisions of Section 6-1300.

- (A) ~~Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G).~~
- (B) ~~Civic, social, fraternal association meeting place.~~
- (C) ~~Educational institution.~~
- (D) Golf driving range.
- (E) Heliport, helistop.
- (F) ~~Hospital, pursuant to Section 5-610.~~
- (G) ~~Hotel/Motel, pursuant to Section 5-611.~~
- (H) Public utility service center with or without storage yard.
- (I) Sewage treatment plant.
- (J) ~~Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants, excluding drive throughs, business service establishments, personal service establishments, health and fitness centers and automobile service stations; but not to include such uses as car repair except in conjunction with an automobile service station; in excess of five (5%) percent but not to exceed a total of 25% of the total allowable floor area of the industrial park shown on a concept development plan.~~
- (K) Utility substation, transmission, pursuant to Section 5-616.
- (L) Utility transmission lines, overhead.
- (M) Water treatment plant.
- (N) ~~Telecommunications monopole, pursuant to Section 5-618(B)(2).~~
- (O) Medical care facility, outpatient only.

- (P) Motor vehicle service and repair, heavy.
- (Q) Printing service plant.
- (R) Child care center, pursuant to Section 5-609(B).
- (S) Fire and/or rescue station.
- (T) Dry cleaning plant.
- (U) Automotive service station.
- (V) Car wash.
- (W) Golf course.
- (X) Motor vehicle rental, with outdoor vehicle storage only.
- (Y) ~~Personal service establishment~~
- (Z) ~~4-503(NN). Recreation establishment, outdoor or indoor, which do not meet the criteria contained in Section~~
- (AA) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (BB) Mass transit facilities and stations.
- (CC) Water storage tank.
- (DD) Firearm range, archery range, indoor.
- (EE) ~~Gas pumps accessory to a convenience food store, pursuant to Section 5-617.~~
- (FF) Storage, outdoor accessory in excess of 10% of gross floor area of principal use lot area.
- (GG) Parking Lot/Valet Service, Long-Term.
- (HH) Car wash, accessory to a convenience food store, pursuant to Section 5-617.
- (II) ~~School, public and private.~~
- (JJ) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (KK) ~~Police station.~~

(LL) Motorcycle or ATV sales, ~~rental, repair and associated service.~~

(MM) ~~Animal hospital.~~

(NN) Camp, day.

4-505

Lot Requirements.

(A) **Size.** One (1) acre minimum, exclusive of major floodplain.

(B) **Yards.**

(1) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

(2) **Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy five (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than ~~sixty (60)~~ thirty five (35) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. When a PD-IP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-IP, the setback required in (B)(3) below shall apply.

(3) **Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.

(4) **Yards Between Buildings.**

- (a) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots or building sites shall be thirty (30) feet. Driveways, parking, and covered entrances may be within such yards. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.
- (b) Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings, or connecting buildings with parking areas are permitted in such yards and may traverse such space.

4-506 Building Requirements.

- (A) **Lot Coverage.** ~~.45~~ .60 maximum.
- (B) **Building Height.** Forty-five (45) feet maximum provided that a building may be erected to a maximum height of one hundred feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each ~~one (1)~~ ten (10) foot of height that it exceeds the 45-foot limit.
- (C) **Floor Area Ratio.** ~~.40~~ .60 maximum; up to .60 by Special Exception. A building may be constructed in excess of the .60 FAR within the district; however, the overall district FAR approval cannot exceed .60.
- (D)

4-507 Use Limitations.

- (A) ~~**Accessory Structures and Uses.** As an accessory use, parking garages or areas for commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided in Section 5-1100. Accessory structures and uses other than for commuter parking shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.~~

(B) **Landscaped Open Space.** Landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.

(C) **Screening and Buffering.** Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading area, and parking from streets and agricultural and residential uses.

(D) ~~Outdoor Storage, Accessory.~~ **Move to Performance Standards, Section 5-6??.**

(1) ~~No storage of any kind shall be permitted within any front yard, except for underground bulk storage of gasoline or petroleum products.~~

(2) ~~Underground bulk storage of gasoline or petroleum products shall not be permitted, except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or lease vehicles within enclosed areas defined in (3) below.~~

(3) ~~Outdoor storage of new and reusable materials, equipment, and vehicles shall be permitted within enclosed areas which are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator. Such areas must be buffered and screened on the periphery of the storage area.~~

(4) ~~Waste materials must be stored in a closed container. The burning of waste materials is prohibited.~~

(E) **Retails Sales as an accessory use.** ~~Warehousing facilities~~ Any principal use may have retail sales as an accessory use in accordance with the following:

(1) ~~Such warehousing facility stores goods for at least one retail establishment located in a zoning district where retail is a permitted principal use.~~

(2) At least ~~eighty (80)~~ seventy five (75) percent of the gross floor area of the facility is devoted to ~~warehousing facility~~ the principal use that is not a display area or retail sales area and is not accessible to the public.

(3) Such use shall be designed so that pedestrian and vehicular circulation are coordinated with that on-site and on adjacent

properties and vehicular access to the site shall be provided via the internal circulation system of the industrial park.

- (4) Such use shall be designed to provide safe and convenient access and to minimize any potential conflicts between industrial service and delivery vehicles, passenger vehicles and pedestrian traffic.
- (5) Any improvements, such as but not limited to additional parking spaces, travel aisles, additional landscaping, and additional floor area required as the result of the introduction of retail uses to an area designed and developed for industrial uses shall be provided.
- (6) All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be in completely enclosed facilities.
- (7) Notwithstanding the requirements of Section 5-1102 Parking, the retail use shall require one (1) parking space per 500 gross square feet.
- (8) No additional signs are permitted for the retail use; signage for the ~~warehousing facility~~ principal use shall be as provided for in Section 5-1204(D).
- (9) Submission and approval of a site plan or amended site plan, as appropriate, prior to the establishment of retail sales is required to demonstrate compliance with the aforementioned Use Limitations.

Move Above Highlighted Sections to Section 5-6??

(F) **Vehicular Access.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through traffic. Principal vehicular access routes for public schools shall be designed to avoid through traffic by vehicles serving adjacent industrial properties.

(G) **Development Setback and Access from Major Roads.** In designing an industrial park development, the following requirements shall be observed:

- (1) **Access from Major Roads.** Access from adjacent public roads shall comply with Section 5-900 of this Ordinance.

Notwithstanding the foregoing, schools shall be permitted emergency access to an arterial or major collector road.

- (2) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.
- (3) Public school buildings shall have a minimum setback of 100 feet from adjacent industrially zoned property.
- (H) **Utility Requirements.** All utility distribution lines located on PD-IP zoned land shall be placed underground. This requirement does not apply to existing aerial utility lines along the peripheral of the parcel/development area.
- (I) **Pedestrian Access for Public Schools.** Public school sites shall provide bicycle and pedestrian accommodations to adjacent residential communities.
- (J) **On-Site Parking of Business Vehicles.** Parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.

Division D: Landscaping, Buffering and Tree Preservation

Section 5-1300 Tree Planting and Replacement.

5-1301 Purpose. The purpose and intent of this Section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Section 15.2-961 of the Code of Virginia.

5-1302 General Standards.

- (A) All trees to be planted shall meet the specifications of the American Association of Nurserymen.
- (B) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County shall maintain current copies of these specifications available to the public.
- (C) The minimum caliper of all deciduous trees planted shall be one (1) inch, and the minimum height of all evergreen trees shall be six (6) feet.

5-1303 Canopy Requirements.

- (A) **Site Planning.** A Final Site Plan, or Construction Plans and Profiles for single family attached units in those districts where applicable, required under Section 6-701, shall include the planting and replacement of trees on site to the extent that, at maturity of ~~ten (10)~~ years, minimum tree canopy shall be provided as follows: **Twenty(20)**
 - (1) Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the GB, PD-IP, PD-OP, PD-GI, MR-HI, PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TREC, PD-TC, CLI, RC, and PD-H Districts.
 - (2) Ten (10) percent tree canopy for sites zoned PD-H and R-24 with densities of twenty (20) or more units per acre.
 - (3) Fifteen (15) percent tree canopy for sites zoned PD-H and R-16 for multi-family and single family attached

units with densities of eleven (11) to nineteen (19) units per acre.

- (4) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.

- (B) **For development requiring a plan of subdivision, but not a site plan, property not zoned A-3, A-10, AR-1, AR-2, i.e. single family and duplex dwellings.** When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned A-3, A-10, AR-1, AR-2, a landscape plan shall be included at Record Plat or construction drawings, whichever shall occur first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of ~~ten (10)~~ years, minimum tree canopies will be provided as follows: **Twenty(20)**

- (1) If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 10 years maturity.
- (2) If the site has a tree canopy coverage of less than twenty (20%) prior to recordation of the subdivision, the plan shall provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 10 year maturity.
- (3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Such trees shall be counted toward the minimum tree canopy requirements in (1) and (2) above.
- (4) Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more. Such trees shall be counted toward the minimum tree canopy requirements in (1), (2) and (3) above.

Table 5-1414(A)													
PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Junk Yard Fuel Sales													
Group 13 Farming, including livestock and horticultural activity Fur Bearing Animal Raising Stable and Equestrian Center	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

(B) Buffer Yard.

Table 5-1414(B)					
Required Plantings per 100 Lineal Feet of Property Line					
Buffer Yard Type	Canopy Trees	Understory Trees	Shrubs	Evergreen Trees	Other Requirements
(1) Type 1					
Front	2	0	0	0	10' minimum width 25' maximum width
Side/Rear	1	4	0	0	10' minimum width 25' maximum width
(2) Type 2					
Front	3	2	10	0	15' minimum width 25' maximum width
Side/Rear	2	4	10	2	20' minimum width 30' maximum width
(3) Type 3					
Front	3	3	20	0	20' minimum width 30' maximum width
Side/Rear	2	5	10	4	25' minimum width 30' maximum width
(4) Type 4					
Front	4	3	20	0	20' minimum width 30' maximum width
Side/Rear	2	5	10	8	25' minimum width 30' maximum width A Six foot high fence, wall, or berm providing a minimum opacity of 95%

** Where other sections of this ordinance require yards, setbacks or building restriction lines resulting in widths less than the minimum buffer yard width, the lesser of the two will apply. The same density of plantings must be provided regardless of the width of the buffer yard.

((NOTE: This proposal is made because these requirements should be in the FSM where all Site Plan content is explained (thus creating one source of “how to”). The FSM Public Review Committee should coordinate this with other FSM requirements. This requirement, once placed in the FSM, should allow for a one time digital submission, and not require for multi-phase development each site plan to contain the duplicative data.))

6-702

Site Plan Requirements. The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Teste of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

County of Loudoun
Department of Planning
MEMORANDUM

DATE: October 2, 2012

TO: Theresa Stein, Project Manager, Building and Development
Michelle Lohr, Project Manager Building and Development

FROM: Marie Genovese, AICP, Planner III, Community Planning
Van Armstrong, AICP, Program Manager, Land Use Review

SUBJECT: ZOAM 2012-0002, Commercial and Industrial Zoning Amendment

EXECUTIVE SUMMARY

In an effort to make the process of expansion or start up of a commercial or industrial enterprise more “business-friendly”, amendments to the Mineral Resource – Heavy Industrial (MR-HI), Planned Development – Office Park (PD-OP), and Planned Development – Industrial Park (PD-IP) zoning districts, as well as limited changes to the Commercial Light Industrial (CLI) zoning district, are proposed.

- The CLI zoning district permits a wide variety of commercial retail and service uses that generate high traffic volumes and do not promote the land use pattern envisioned for the Route 50 Corridor. As such, proposed changes are not in conformance with Plan policies and the CLI zoning district should not be changed.
- The purpose of the MR-HI zoning district is to protect the mineral resources of the County for future economic development. Policy guidance does not support including uses (Kennel, Automotive service station, Heavy equipment and specialty vehicle sales, and Printing service) that may conflict with heavy industrial traffic in the list of permitted uses.
- The PD-OP zoning district is established for the development of administrative, business and professional offices and necessary supporting accessory uses and facilities in a park-like atmosphere. As office uses should be the predominant component in these areas, Plan policy directs that commercial retail and service uses (Facilities for lessons in dance, gymnastics, judo, and sports training; and Uses auxiliary to the principal use on a stand-alone basis) be limited to those that are supportive. In addition, Plan policy does not support auxiliary uses on a stand-alone basis as a percentage of the district. Plan policies do not support

increasing the maximum lot coverage as it may make it difficult to achieve the amount and type of open space.

- The PD-IP zoning district is intended for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere. As industrial and office uses should be the predominant component in these areas, Plan policies do not support increasing the amount of auxiliary uses or including additional commercial retail and service uses (Animal hospital and Medical care facility) in the list of permitted uses within the district. Plan policies further do not support including Civic, social, fraternal association meeting place and Educational institution in the list of permitted uses as there may be compatibility and traffic impacts associated with these uses. Plan policies do not support basing accessory outdoor storage on the lot area rather than the gross floor area of the principal use. Uses that have outdoor storage requirements should be located within areas planned for Industrial uses.

BACKGROUND

On February 14, 2012, the Board of Supervisors approved a Workplan to review the Revised 1993 Loudoun County Zoning Ordinance to advance commercial and industrial development throughout the County. Phase 1 of the Workplan included stakeholder engagement and public outreach, which included identification of areas of the Zoning Ordinance that may be problematic and create impediments to commercial development within the County. A Stakeholders Working Group was established that met eight times between March and May 2012. The Stakeholder Working Group identified priority issues and recommended the Board of Supervisors amend the February 14, 2012 Workplan to accelerate the originally approved schedule for Board adoption by the end of 2012. On July 17, 2012, the Board of Supervisors adopted a Resolution of Intent to Amend the Mineral Resource – Heavy Industrial (MR-HI), Planned Development – Office Park (PD-OP), and Planned Development – Industrial Park (PD-IP) zoning districts, as well as limited changes to the Commercial Light Industrial (CLI) zoning district. Other changes proposed include: (1) elimination of documents submitted with a site plan; (2) increase in canopy maturity; (3) reduction in buffer widths where district yard requirements are less; and (4) “quick” fixes” or the removal of performance standards from the definitions to Section 5-600, Additional Regulations for Specific Uses, and the creation of new performance standards as necessary. To assist the Zoning Division and the Planning Commission, the Planning Department offers the following information related to the Comprehensive Plan.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Revised General Plan and other supporting documents and ordinances together comprise the Loudoun County Comprehensive Plan (*Revised General Plan, Preface, text*). The policies and methods of implementation of the Revised General Plan are intended to ensure the long-term fiscal balance of the County, to protect its environment and natural resources, to create high-quality communities, and to provide adequate levels of public services and facilities (*Revised General Plan, Preface, Principles 1, 2, 4, 5, 6, & 8*). The Revised General Plan is the foundation for amendments to County ordinances to ensure that the County’s goals are implemented through the regulatory process. It is intended that these ordinances and the Facilities Standards Manual will

be updated so that they are consistent with the policies of the Revised General Plan (*Revised General Plan, Chapter 1, Purpose and Definition, text*).

As part of the Comprehensive Plan, the Countywide Retail Policy Plan Amendment (Retail Plan) outlines the policies for Service Area-Based Retail uses. Service Area-Based Retail uses are located within or between the employment centers they serve and are not intended to attract customers from outside the area (*Retail Plan, Service Area – Based Retail Policies Text*).

Planning Department Staff have reviewed and provide comments on the proposed amendments to the following zoning districts: 3-900, Commercial Light Industrial; 3-1000, Mineral Resource – Heavy Industrial; 4-300, Planned Development – Office Park; and 4-500, Planned Development – Industrial Park. There are no Plan issues with the proposed changes to the following sections: 5-600, Additional Regulations for Specific Uses; 5-1300, Landscaping, Buffering, and Tree Preservation; Buffer Yards; 6-700, Site Plan Review; and Article 8 Definitions; therefore, comments have not been provided on these amendments.

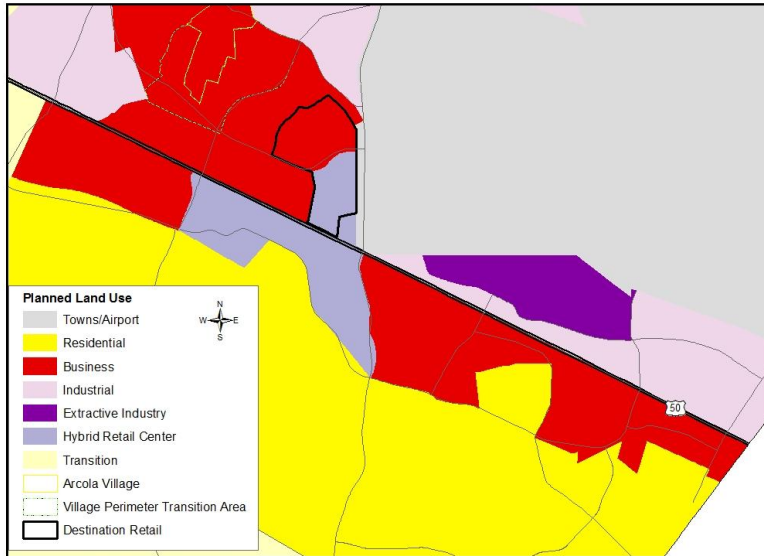
Commercial Light Industrial (CLI)

The County, recognizing the importance of the Route 50 Corridor as the County's southern gateway has planned this corridor for business uses, predominantly office and light industrial development. The existing Commercial Light Industrial (CLI) zoning district along the Route 50 frontage up to Route 659 negatively affects the corridor's long-term image (*Revised General Plan, Chapter 4, Business Land Use and Corridor Development, Route 50 Text*). This zoning district allows for a wide variety of commercial uses, which generate high traffic volumes and which do not promote the coordinated and efficient land use or traffic pattern envisioned by the County for the U.S. 50 Corridor. The Plan calls for the County to consider alternative methods for addressing the conformance issue, such as modification of the by-right and special exception uses provided in the district to those more appropriate to achieve the objectives of the Plan (*Revised General Plan, Chapter 6, General Business Land Use Policies, Policy 7*).

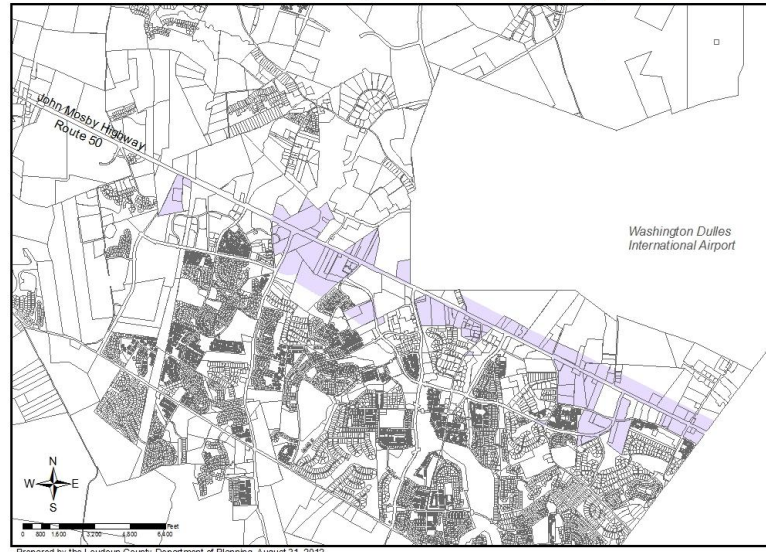
CLI zoned parcels are limited to the Route 50 Corridor in areas planned for Business, Industrial, and Hybrid Retail uses. As stated above, the variety of commercial uses within the CLI zoning district is not in keeping with the vision for the Route 50 Corridor, in which employment uses should be the predominant component. While commercial retail and service uses are permitted, they are limited to a maximum of 10 percent of the total land area (*Revised General Plan, Chapter 6, Regional Office Use Policies, Policy 2; Light Industrial Use Policies, Policy 5; & General Industrial Use Policies, Policy 8*). When certain criteria are met, developments are permitted to exceed the 10 percent land area; however, commercial retail and service uses should still be accessory to the primary business or industrial function (*Revised General Plan, Chapter 6, Arcola Area/Route 50 Corridor Plan, Business Community General Policies, Policy 2 & General Industrial Policies, Policy 2*). A hybrid retail center is envisioned north and

south of the Route 50 Corridor with other uses consisting of office, light industrial, and civic (*Revised General Plan, Chapter 6, Hybrid Retail Center Policies, Policy 1*).

Planned Land Use



CLI-Commercial Light Industrial Zoned Properties



Due to the inconsistency between the existing zoning and the planned land use along the Route 50 Corridor, changes to the CLI zoning district are not supported by the Plan. However, if the changes to the CLI zoning district are considered further, Staff offers the following comments.

Permitted Uses

The proposed amendments seek to move Kennel, indoor and Museum or Exhibition Facility from the list of Special Exception uses to Permitted Uses. The amendments also seek to add Facility for lessons in dance, gymnastics, judo, and sports training as a new use to the district. Plan policies do not support adding additional commercial retail and service uses to the list of permitted uses. As Facility for lessons is a new use to the district, it may be reasonable to add this as a Special Exception use. As there may be additional transportation impacts with scheduled classes, allowing a Facility for lessons as a Special Exception use rather than a permitted use will allow the County to assess any potential impacts.

Analysis

Adding additional commercial retail and service uses to the list of permitted uses move the CLI zoning district further from the Plan's vision. Kennel, indoor should be retained as a Special Exception Use. However, it may be reasonable to add Facility for lessons in dance, gymnastics, judo, and sports training as a Special Exception Use.

The Route 50 policies promote economic development and tourism as a way to recognize and strengthen the area's heritage and cultural resources for the County's southern gateway. As such, a museum or exhibition facility is in keeping with promoting tourism within the County; however, performance standards will need to be developed in order to ensure the scale and intensity is in keeping with the transportation policies of the Revised General Plan and 2010 Countywide Transportation Plan (CTP).

Analysis

Performance standards should be developed for Museum or Exhibition facility to ensure the scale and intensity is in keeping with the policies of the Plan.

Performance Criteria

The proposed amendments seek to increase the amount of accessory retail sales and personal service uses from 10 percent of the floor space of the principal use to 25 percent. This is inconsistent with Plan policies which limits the amount of commercial retail and service uses to 10 percent of the land area. The Retail Plan further limits the amount of commercial retail and service uses to 5 percent of the gross floor area of the non-residential uses in the development (*Retail Plan, Employment Supportive Retail Center, Policy 2*). As many of the permitted uses within the CLI district are commercial retail and service uses, permitting an increase in accessory retail and personal services would further add to the inconsistency of the planned land use with the zoning district. Permitting additional commercial retail and service uses along the Route 50 Corridor could promote strip retail development.

Analysis

Amending the percentage of accessory retail sales and personal service uses is not in keeping with Plan policies.

The proposed amendments add the provision of 10 percent of the gross lot area, not to exceed 20,000 square feet to the amount of outdoor storage allowed with permitted and/or special exception uses. By definition, areas planned for Business uses are compatible with other uses (i.e. office, commercial, and residential development) due in part to their lack of outdoor storage (Revised General Plan, Chapter 6, Light Industrial Use Policies, Policy 1). Outdoor storage requirements are more consistent with areas planned for General Industrial uses, areas zoned Planned Development – General Industrial (PD-GI) or Mineral Resource – Heavy Industrial (MR-HI). These areas are considered incompatible with residential development due to their outdoor storage requirements, noise levels, and emissions (Revised General Plan, Chapter 6, General Industrial Text).

The CLI zoning district currently permits outdoor storage up to 25 percent of the gross floor area of the principal use. This ensures that the outdoor storage is in fact an accessory use. Basing outdoor storage on the gross lot area instead of the gross floor area could allow the outdoor storage to be greater than the principal use. Using the average floor area ratio (FAR) of CLI parcels (0.2 FAR), developments of 5 acres or

less could equate to approximately 50 percent of the gross floor area consisting of outdoor storage.

Analysis

Plan policies do not support allowing outdoor storage to be based on the gross lot area.

Amendments to the CLI district also include adding “new” to utility distribution lines that shall be placed underground.

Analysis

In addition to “new”, “or replacement” should be added to utility lines that must be placed underground.

Mineral Resource – Heavy Industrial (MR-HI)

The Mineral Resource – Heavy Industrial (MR-HI) zoning district implements those areas planned for Industrial uses. Primary land uses in planned Industrial areas are General Industry and Heavy Industry. General Industrial uses are predominantly labor-intensive industrial and commercial uses. Heavy Industrial uses are generally limited to land within the 65+ Ldn (day/night average sound level) Noise Zone or where residential development is otherwise undesirable. Quarries, an example of a Heavy Industrial use are a substantial economic resource to the County (Revised General Plan, Chapter 6, General Industry Text). As such, the County seeks to protect quarries from incompatible land uses (Revised General Plan, Chapter 5, Mineral Resource Extraction Areas Text).

Permitted Uses

Amendments to the list of permitted uses include categorizing uses into one of two categories: (1) Mineral Resource Extraction and Processing (MREP) Uses and (2) Other Uses. Within the MREP uses Asphalt Mixing Plant; Concrete Mixing Plant; and Manufacturing of concrete block, cinderblock or pre-formed concrete products; Material recovery facility have been moved from the list of Special Exception Uses to Permitted Uses. Staff notes that Asphalt Mixing Plant; Concrete Mixing Plant; and Manufacturing of concrete block, cinderblock or pre-formed concrete products are currently permitted uses when accessory to an approved quarry. Adding these four uses to the list of permitted MREP uses conforms with the Plan.

Within the list of permitted Other Uses the amendments propose to add accessory motor vehicle sales to Motor vehicle service and repair; Kennel; Automotive service station; Heavy equipment and specialty vehicle sales; and Printing service, plant. Due to the nature of Heavy Industrial uses, commercial retail and service uses for the general public are generally incompatible and should not be included in the list of permitted uses. Any commercial use located within Industrial areas will need to be located so as to minimize possible conflicts with industrial traffic and should be included in the list of Special Exception uses. The types of commercial uses envisioned within

areas planned Industrial are industry-related commercial uses such as equipment repair, distributors, welding shops and similar uses (*Revised General Plan, Chapter 11, General Industry Design Guidelines*). Motor vehicle sales and Heavy equipment and specialty vehicle sales are considered Destination Retail uses. Including Printing plant as permitted a use is consistent with Plan policies.

Analysis

Accessory motor vehicle sales is not consistent with the Plan and should be removed from the list of permitted uses. Kennel, Automotive service station, Heavy equipment and specialty vehicle sales, and Printing service should remain as Special Exception uses to assess potential compatibility issues.

Use Limitations

Amendments to the MR-HI zoning district also include adding “new” to utility distribution lines that shall be placed underground.

Analysis

In addition to “new”, “or replacement” should be added to utility lines that must be placed underground.

Planned Development – Office Park (PD-OP)

The Planned Development – Office Park (PD-OP) and Planned Development – Industrial Park (PD-IP) are generally consistent with areas planned for Business Communities (*Revised General Plan, Chapter 6, Business Text*). The primary purpose of Business Communities is to accommodate a mix of similar and compatible office, light industrial, related business uses, and accessory commercial uses in conjunction with compatible residential development (*Revised General Plan, Chapter 11, Light Industrial and Regional Office Design Guidelines*). Office and light industrial uses should be the predominant component of these communities. Commercial retail and service uses are limited to a maximum of 10 percent of the land area (*Revised General Plan, Chapter 6, Regional Office Use Policies, Policy 2 & Light Industrial Use Policies, Policy 5*). Commercial retail and services uses within planned Business areas are intended to provide convenient retail and personal support services to employees and businesses and include such uses as, office supply stores, copying/mailing facilities, restaurants, daycare centers, drycleaners, health clubs, drug stores, banks and similar uses (*Retail Plan, Employment Supportive Retail Centers, Policy 1 & Revised General Plan, Chapter 11, Light Industrial and Regional Office Design Guidelines*).

Permitted Uses

The proposed amendments seek to move Facility for lessons in dance, gymnastics, judo, and sports training; Medical care facility, outpatient only; and Uses auxiliary to permitted principal uses on a stand-alone basis such as, but not limited to, restaurants including carry-out, and drive-through facilities, personal service establishments, and automobile service stations from the list of Special Exception uses to Permitted Uses. The amendments also seek to add convenience food stores to the list of auxiliary uses

on a stand-alone basis and to limit the amount of auxiliary uses to no more than 10 percent of the total allowable floor area of the office park shown on the concept development plan.

There may be compatibility and transportation impacts associated with facilities for lessons. As Service Area-Based Retail uses are intended to be located in the areas they are intended to serve and should not attract “drive-by” shoppers or function as destination retail, the location of these types of uses is important (*Retail Plan, Service Area – Based Retail Policies, General Policies, Policy 1*). Furthermore, commercial retail and service uses should be limited to 5 percent of the gross floor area of the non-residential uses in the development (*Retail Plan, Employment Supportive Retail Centers, Policy 2*). The retail component of an employment area should be developed on a pro-rata basis in proportion to the non-residential development as construction occurs. For example, for every 100,000 square feet of office space constructed, 5,000 square feet of retail space may be constructed (*Retail Plan, Employment Supportive Retail Centers, Policy 3*). This ensures that office and light industrial uses are the predominant component in every phase of the development and that commercial retail and service uses are located within the areas they are intended to serve. Allowing commercial retail uses on a stand-alone basis up to 10 percent of the total allowable floor area of the office park does not ensure that commercial retail and service uses are developed proportionate to the office and light industrial uses. Staff notes properties zoned PD-OP are permitted to develop up to 0.6 FAR and up to 2.0 FAR by Special Exception. As currently proposed there is no assurance that office and light industrial uses would be the predominant component as the auxiliary uses may be based on the maximum FAR not what the site could achieve.

Analysis

Facility for lessons and Uses auxiliary to permitted principal uses on a stand-alone basis should remain as Special Exception uses to assess any potential impacts. Further, Plan policies do not support permitting auxiliary uses on a stand-alone basis as a percentage of the office park floor area.

Special Exception Uses

The following Special Exception Uses have been added to the PD-OP zoning district: School, private; Automobile service station; Car wash; and Convenience food store. These uses as Special Exception Uses allows for review against County policies and potential mitigation of impacts.

Building Requirements

The proposed amendments increase the maximum lot coverage from 0.4 to 0.6. All Business uses should provide a minimum of 10 percent of the land area as open space (*Revised General Plan, Chapter 6, Regional Office Use Policies, Policy 2 & Light Industrial Use Policies, Policy 5*). Open space in Business areas shall consist of open space in its “natural” state, such as forests or wetlands; trails and trail connections; water features or other amenities (*Revised General Plan Chapter 6, Open Space*

Policies, Policy 2). Buffer areas or “leftover spaces” and parking and street landscaping may not account for more than 25 percent of the open space requirement (*Revised General Plan, Chapter 6, Open Space Policies, Policy 3*). An increase in the lot coverage may make it difficult to achieve the type and amount of open space as called for in the Plan.

Analysis

Plan policies do not support increasing the maximum lot coverage for the PD-OP zoning district.

Building height has been increased from 45 feet to 60 feet; however, the additional setback requirements for buildings that exceed the 60 feet height limit has not been changed.

Use Limitations

Amendments to the PD-OP zoning district also include adding “new” to utility distribution lines that shall be placed underground.

Analysis

In addition to “new”, “or replacement” should be added to utility lines that must be placed underground.

Planned Development – Industrial Park (PD-IP)

Permitted Uses

The amendments propose to change “Facility for scheduled lessons such as: dance, gymnastics, judo, and sports training” to “Facility for lessons in dance, gymnastics, judo, and sports training; as well as the requirements for permitted office uses. Other changes include increasing the amount of auxiliary uses from 5 percent of the total allowable floor area to ten percent. As stated above, commercial retail and service uses should be internal to the areas they are intended to serve, be limited to 5 percent of the gross floor area of non-residential uses, and should be developed proportionate to office and light industrial uses.

Analysis

Plan policies do not support increasing the amount of auxiliary uses within the PD-IP zoning district. The language limiting auxiliary uses to 5 percent of the total allowable floor area should be retained.

The proposed amendments seek to change the amount of accessory outdoor storage from 10 percent of the gross floor area of the principal use to 10 percent of the lot area. Contractor service establishment, excluding retail sales and outdoor storage is proposed to be amended to permit 20 percent of the lot area as outdoor storage. As currently proposed there is no way to ensure the light industrial use will be the predominant component as called for in the Plan. Limiting the amount of outdoor storage to the gross floor area of the principal use rather than the lot area ensures that

outdoor storage is a subset of the building not the lot. Light industrial uses are envisioned as compatible with office, commercial, and residential development by virtue of their size and lack of outdoor storage, or manufacturing activities, and other activities or emissions that could have a detrimental impact on surrounding residential or business uses (Revised General Plan, Chapter 6, *Light-Industrial Use Policies*, Policy 1).

Analysis

Plan policies do not support permitting outdoor storage as a percentage of the lot area. Language limiting Outdoor Storage, accessory to 10 percent of the gross floor area of the principal use should be retained. It is reasonable to allow outdoor storage with Contractor service establishments since it is permitted by definition. However, to be consistent with Plan policies outdoor storage should be limited to 10 percent of the gross floor area.

The following uses are proposed as moving from the Special Exception use list to Permitted Uses: Animal hospital; Civic, social, fraternal association meeting place; Educational institution; and Medical care facility, outpatient only. Animal hospitals are commercial retail and service uses and should remain as a Special Exception use to ensure light industrial uses remain the predominant component in Light Industrial Communities. Civic, social, fraternal association; Educational institution; and Medical care facility may have compatibility issues with other uses envisioned within Industrial Parks. Noise and traffic generated by the predominant Business component of the PD-IP zoning district may impact these types of uses.

Analysis

Animal hospital; Civic, social, fraternal association meeting place; Education institution; and Medical care facility, outpatient only should be retained as Special Exception Uses due to compatibility issues with Plan policies for Business uses.

Special Exception Uses

Amendments to Special Exception Uses include Outdoor storage, accessory in excess of 10 percent of the lot area opposed to 10 percent of the gross floor area of the principal use and Contractor service establishment, with outdoor storage in excess of 20 percent of the lot area. Other new Special Exception Uses include Convenience food store and Restaurant. As stated above, Staff recommends limiting outdoor storage to a percent of the gross floor area to ensure it is subordinate to the principal use.

Analysis

Accessory outdoor storage as a percentage of the lot area is inconsistent with Plan policies. Language requiring a Special Exception for accessory outdoor storage in excess of 10 percent of the gross floor area should be retained. Similarly, requiring a Special Exception for Contractor service establishments

with outdoor storage in excess of 10 percent of the gross floor area should be retained. Including Convenience food store and Restaurant to the list of Special Exception Uses allows for review against County policies and potential mitigation of impacts.

Use Limitations

Amendments to the PD-IP zoning district also include adding “new” to utility distribution lines that shall be placed underground.

Analysis

In addition to “new”, “or replacement” should be added to utility lines that must be placed underground.

RECOMMENDATION

The Plan fosters an environment beneficial to the growth, competitiveness, and expansion of established businesses, start-ups, and spin-offs. The County’s ability to address transportation needs is crucial to accommodate existing businesses and attract new ones. The Plan identifies economic development corridors where location, transportation, and communication infrastructure promote business concentration. This helps to maintain the value of the commercial investments in those corridors and ensures the highest and best use of these areas. Changes to the Zoning Ordinance inconsistent with the Plan hinder the County further from achieving these economic development goals. As currently proposed, the amendments seek to add new permitted commercial retail and service uses to the business districts as well as increase the percentage of accessory uses. An increase in commercial retail and service uses dilutes the intended purpose of these business zoning districts which implement the policies of the Plan. Lastly, as currently proposed the changes to the PD-IP and PD-OP districts serve to remove distinctions between the districts, giving landowners in each district the same development potential but removing any land use or visual or marketing distinctions. This is contrary to County land use policy that identifies the highest and best use of land for either office or industrial employment. The policy helps to create value, protect the viability of existing uses and minimize conflicts between different uses.

cc: Julie Pastor, AICP, Director, Planning
John Merrithew, AICP, Assistant Director, Planning
Cynthia L. Keegan, AICP, Program Manager, Community Planning

COUNTY OF LOUDOUN
Department of Economic Development

REFERRAL

DATE: September 28, 2012

TO: Theresa Stein and Michelle Lohr, Building and Development

FROM: Robyn Bailey, Department of Economic Development

SUBJECT: ZOAM 2012-0002, Commercial and Industrial Zoning Amendment

Description

Earlier this year, a group of interested stakeholders from a variety of professional organizations such as NAIOP, Chamber of Commerce, the Economic Development Commission, etc. called the “Stakeholder Group” (Stakeholders) met with Planning and Zoning Staff several times to discuss changes to the *Revised 1993 Loudoun County Zoning Ordinance* (Zoning Ordinance) that would be business friendly and encourage economic development. The Stakeholders identified over 250 issues that could be resolved through amendments to the Zoning Ordinance in order to encourage business development in the County, and subsequently, the Stakeholders generated topic areas of amendments that they proposed would make the Zoning Ordinance more business-friendly. The Stakeholders requested these issue topics be acted on by the Board of Supervisors prior to the end of 2012.

The Board took the topic areas and grouped them into 3 separate “packages” of amendments that would proceed sequentially, with the first package of amendments being brought to the Board in December 2012 for possible action.

On July 17, 2012, the Board of Supervisors adopted a Resolution of Intent to Amend to implement the “Package 1” amendments. Package 1 includes changes to the PD-IP, PD-OP, MR-HI zoning districts, as well as limited changes to the CLI zoning district. Other changes proposed were: (1) the elimination of documents to be submitted with a site plan; (2) increase in the canopy maturity; (3) reduction in buffer width where the district yard requirement is less; and (4) “quick fixes” or the removal of performance standards from the definitions to Section 5-600, Additional Regulations for Specific Uses, and creation of new performance standards as necessary.

Evaluation

DED has participated in all of the stakeholder meetings and worked with staff on the recommended zoning amendments. DED supports staff recommendations and offers one potential change to PD-IP: change the FAR to 0.60 by-right. Large data center operators consistently seek a special exception for a 0.60 FAR in PD-IP, the preferred zoning district for data centers. Data centers require less parking, generally have few employees and operators are looking to maximize their buildable area.

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: September 28, 2012

TO: Theresa Stein & Michelle Lohr, Project Managers
Department of Building and Development

FROM: Lou Mosurak, AICP, Senior Coordinator *LM*

SUBJECT: **ZOAM 2012-0002—Commercial and Industrial Zoning Amendment
First Referral**

Background

This Zoning Ordinance Amendment (ZOAM) proposes numerous changes to the Revised 1993 Zoning Ordinance that would be business friendly and encourage economic development. The scope of proposed amendments includes changes to the PD-IP, PD-OP and MR-HI Zoning District regulations, limited changes to the CLI Zoning District regulations, as well as revised definitions for certain uses.

Office of Transportation Services' (OTS) review of this proposed ZOAM is based on materials received from the Department of Building and Development on September 14, 2012, including (1) a referral cover sheet, dated September 14, 2012, (2) a matrix of issues, dated May 8, 2012, (3) the BOS Action Item and Copy Teste, dated July 17, 2012, (4) a draft strikethrough version of changes to relevant Zoning Ordinance sections, as proposed by the stakeholder group, undated, (5) a draft strikethrough version of changes to relevant Zoning Ordinance sections, as proposed by staff, dated September 14, 2012, and (6) a summary of both stakeholder and staff proposed changes, undated.

Transportation Comments

1. In general, the proposed changes to the Zoning Ordinance contained in the staff draft would not have a significant impact on the public road network during normal peak travel times.
2. For current special exception (SPEX) uses that are proposed to become by-right, there would no longer be an opportunity for legislative review of potential site-specific traffic circulation and operational issues; such review could result in changes to site design and/or site-specific conditions of approval. Traffic circulation and operations would still be reviewed as part of the by-right site plan process, but requirements to address such matters would be limited to the parameters of FSM standards and VDOT design criteria.

cc: Dale Castellow, Assistant Director, OTS

County of Loudoun

Department of Building and Development

MEMORANDUM

DATE: October 1, 2012

TO: Theresa Stein, Planner, Building and Development
Michelle Lohr, Planner, Building and Development

FROM: Laura Edmonds, Environmental Engineer

SUBJECT: ZOAM 2012-0002, Commercial and Industrial Zoning Amendment

The Environmental Review Team has reviewed the environmental amendments associated with "Package 1" pertaining to required tree canopy and landscape buffer width. Dana Malone, the County Urban Forester, has provided a detailed analysis of the amendments as follows:

Tree Canopy

The staff draft proposes to amend the required tree canopy in Section 5-1303.A of the Revised 1993 Zoning Ordinance from 10-year maturity to 20-year maturity consistent with Section 15.2-961.1 of the Code of Virginia.

Staff has analyzed the effect of the proposed amendment. Table 1 below identifies eleven typical canopy trees used to meet canopy credit at a typical caliper of 2-2 ½ inches.

Table 1 – 10 year vs. 20 year Tree Canopy						
Scientific Name	Common Name	10-year Canopy (Trees/Acre)	20-year Canopy (Trees/Acre)	% Reduction	10-year plant spacing	20-year plant spacing
<i>Acer rubrum</i>	Red Maple	246	139	44	13' x 13'	18' x 18'
<i>Betula nigra</i>	River Birch	217	139	36	14' x 14'	18' x 18'
<i>Liquidambar styraciflua</i>	Sweetgum	246	171	30	13' x 13'	16' x 16'
<i>Gleditsia triacanthos</i>	Honeylocust	217	139	36	14' x 14'	18' x 18'
<i>Fagus americana</i>	American Beech	218	138	37	14' x 14'	18' x 18'
<i>Platanus occidentalis</i>	Sycamore	171	89	48	16' x 16'	22' x 22'
<i>Quercus alba</i>	White Oak	385	171	45	11' x 11'	16' x 16'
<i>Quercus rubra</i>	Northern Red Oak	246	171	30	13' x 13'	16' x 16'
<i>Ulmus americana</i>	American Elm	192	89	54	15' x 15'	22' x 22'
<i>Tilia americana</i>	American Linden	246	139	44	13' x 13'	18' x 18'
<i>Zelkova serrata</i>	Japanese Zelkova	385	246	44	10' x 10'	13' x 13'

The data analysis indicates that, on average, there will be a 41% reduction in the number of trees planted with an associated increase in spacing. It is likely that the reduced number of trees and increased spacing would affect overall aesthetic value and increase the observed effects of mortality. Furthermore, actual 20-year canopy is unlikely to be achieved due to stress factors in an urban setting, including poor soil quality, limited root space, and exposure to wind, heat, and glare. According to the U.S. Forest Service Urban and Community Forest Program, the average life expectancy of a city tree is less than 10 years and that of a newly planted urban tree is 15 to 20 years.

While staff acknowledges that the amendment is required consistent with the Code of Virginia, it should be noted that increasing assumed maturity from 10 to 20 years provides a longer period for the cumulative stress factors noted above to adversely impact the trees such that the standard may be difficult to achieve. In addition, Staff notes that the tree canopy tables in Chapter 7 of the Facilities Standards Manual will need to be updated to facilitate the calculation of canopy credit based upon 20-year maturity consistent with the proposed zoning amendment.

Landscape Buffer Width

The stakeholder draft proposes to reduce the minimum required landscape buffer widths in Table 5-1414(B) of the Zoning Ordinance to the minimum yard, setback, or building restriction line.

The issue of minimum buffer width was previously evaluated under ZOAM-2006-0003, adopted on October 16, 2007, which established the minimum and maximum landscape buffer widths outlined in Table 5-1414(B). The primary considerations guiding the 2006 ZOAM were related to planting arrangement and growth based upon available space, as well as the stress factors previously discussed under Tree Canopy discussion above. The potential effects created by conflicts with structures were also examined, such as the need for severe top and lateral pruning to control tree growth and premature mortality.

Furthermore, Section 5-1409(A) of the Revised 1993 Zoning Ordinance (Buffer Yard Waivers and Modifications) allows the buffer yard requirement to be waived, reduced, or modified in cases where the requirements would “reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot.”

The current required yards in certain Zoning Districts are as narrow as zero feet in some cases, which would not allow sufficient space for installation and maintenance of required plantings, would create conflicts with structures, and would be difficult to administer.

Staff does not support the proposed amendment due to the fact that the minimum required buffer width and its effect on the required planting was previously evaluated and that the existing Zoning Ordinance provides for buffer waivers and modifications.